

Town of Trumbull Noise Control Ordinance

ARTICLE 111. NOISE

Sec. 13-46. Short Title.

This article may be cited as the town noise control ordinance.

Sec. 13-47. Purpose.

Pursuant to the general authority of Connecticut General Statutes 7-148, and the specific authority of Connecticut General Statute 22a-73(c), it is hereby resolved that, to preserve and promote the health, safety and general welfare of the citizens of the Town of Trumbull (the "Town"), it is in the common interest to enact reasonable regulations pertaining to the reduction, control and or prevention of noise so as to promote a general environment free from excessive noise and vibration.

Sec. 13-48. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Ambient noise or background noise: Shall mean noise of a measurable intensity, which exist at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, It is the level, which exceeds ninety (90) per cent of the time (L90) in which the measurement is taken.

Commercial zone: Shall mean all Commercial zones and business zones, (B-C) as defined in the zoning regulations of the Town. Any use, which is non-conforming, shall be deemed to be in the zone which corresponds to the actual use.

Chief of Police: Shall mean the Chief of Police of the Town of Trumbull or a duly authorized officer subject to his orders.

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.

Day: Shall mean the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 9:00 p.m. on Sundays.

Decibel: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

Demolition: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

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.

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Emergency: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

Emergency vehicle: Shall mean any motor vehicle authorized by the Town to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

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.

Impulse noise: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Industrial zone: Shall mean all industrial zones (I-L, I-L2, I-L3), as defined in the zoning regulations of the Town. Any use, which is non-conforming, shall be deemed to be in the zone which corresponds to the actual use.

Loud amplification device or similar equipment: Shall include, but not limited to, a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such a manner that it creates noise.

Motor vehicle: Shall be defined as per Section 14-1(47) of the Connecticut General Statutes.

Muffler: Shall mean a device for abating sounds such as escaping gases.

Noise: Shall mean any sound, the intensity of which exceeds the standards set forth in section 13-50 of this chapter, or, relative to a motor vehicle, plainly audible at a distance of one hundred (100) feet from the same.

Night: Shall mean the hours between 9:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise level: Shall mean the sound pressure level as measured with a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

Person: Shall mean 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.

Premise: 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 premise includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and water of the state.

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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 any person from contiguous real property owned or controlled by another person; and
- (b) Separates real property from the public right-of-way.

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.

Recreational vehicle: Shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

Residential zone: Shall mean all residential zones, (AAA, AA, A, PRCZ, PAHZ), as defined in the zoning regulations of the Town. Any use, which is non-conforming, shall be deemed to be in the zone, which corresponds to the actual use.

Sound: Shall mean 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.

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 S1.4-1971 (TypeS2A).

Sound pressure level: Shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtones per square meter (20×10^6 Newtons/meter²), and is expressed in decibels (dB).

Sec. 13-49. Noise level measurements procedures.

For the purpose of determining noise level as set forth in this article, the following guidelines shall be applicable.

- (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation;
- (2) Instruments used to determine sound level measurements shall conform to the sound level meters, as defined in this article;

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- (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 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 boundary of the emitter's premise within the receptors premise. The emitter's premise includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

Sec. 13-50. Noise levels.

- (a) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premise in excess of the noise levels established in these regulations.
- (b) Noise level standards;
 - 1. No person in a residential zone shall emit noise beyond the boundaries of his/her premise exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones;

Emitter's zone;

Residential

Receptor's Zone: _____ Maximum Level:

Industrial.....62 dBA

Commercial.....55 dBA

Residential/Day.....55dBA

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Residential/Night.....45dBA

- 2. No person in a commercial zone shall emit noise beyond the boundary of his/ her premise exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone:

Commercial

Receptor's Zone: _____ Maximum Level:

Industrial.....62dBA

Commercial.....62dBA

Residential/Day.....55dBA

Residential/Night.....45dBA

- 3. No person in an industrial zone shall emit noise beyond the boundary of his/her premise exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone:

Industrial

Receptor's Zone: _____ Maximum Level:

Industrial.....70dBA

Commercial.....66dBA

Residential/Day.....55dBA

Residential/Night.....45dBA

- 4. Any use which is non-conforming shall be deemed to be in the zone which corresponds to the actual use.

(c) High background noise levels and impulse noise:

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1. 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 five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section, does not decrease the permissible levels of other sections of this chapter.
2. No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during the nighttime to any residential noise zone.
3. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time to any zone.

(d) Exclusions: These levels shall not apply to noise emitted by or related to:

1. Natural phenomena;
2. The un-amplified human voice;
3. 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 on motor vehicles not terminating within ten (10) minutes or on buildings not terminating within thirty (30) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded;
4. Warning devices required by OSHA or other state or federal safety regulations;
5. Farming equipment or farming activities;
6. Home and commercial generators during periods of lost power;
7. Nighttime public road maintenance and line painting;

(e) Exemptions: The following shall be exempt from these regulations, subject to special conditions as spelled out:

1. Noise generated by any construction equipment, which is operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays.

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2. Noise created as a result of, or relating to an emergency;
3. Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, and between the hours of 9:00 a.m. and 8:00 p.m. on Sundays, provided that noise discharge from exhaust is adequately muffled;
4. Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled;
5. Noise from demolition work conducted between the hours of 7:00 a.m. and 6:00 p.m., provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation;
6. Noise created by any aircraft flight operations that are specifically preempted by the Federal Aviation Administration;
7. Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the Town, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays;
8. Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specific hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
9. Noise created by solid waste and recycling collection between the hours of 7 a.m. and 6 p.m.

Sec. 13-51. Prohibited noise activities.

The following activities are prohibited:

1. Vehicle horns: No person shall at any time sound any horn or other audible signal device of a motor vehicle, unless it is necessary as a warning to prevent or avoid a traffic accident;
2. Advertising: No person shall at anytime use any drum, bell or other instrument or device for purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise;

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Sec. 13-52. Motor and Recreational vehicle noise.

- (a) All motor and recreational vehicles within the limits of the Town shall be subject to the noise standards and decibel levels as found in Title 14, Section 14-80a of the Connecticut General Statutes.
- (b) No motor or recreational vehicles shall emit noise from a loud amplification device or similar equipment plainly audible at a distance of one hundred (100) feet from such vehicles by a person of normal hearing, or such noise emitted shall not be in excess of the noise levels specified in this ordinance, except that loud speakers or public address systems are allowed provided prior to use thereof a permit has been obtained from the Town.

Sec. 13-53. Inspections.

- (a) For the purpose of determining compliance with the provisions of this article, the chief of police or his designated representative is 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. In the event that any person refuses or restricts entry and free access to any part of a premise, or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the chief of police or his designated representative may seek from the appropriate court a warrant, without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- (b) It shall be unlawful for any person to refuse to allow or permit the chief of police or his designated representative free access to any premise, when the chief of police or his designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- (c) 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.
- (d) No person shall hinder, obstruct, delay, resist, prevent in any way, interference or attempt to interfere with any authorized person while in the performance of his/her duties under this article.

Sec. 13-54. Enforcement.

- (a) Any person aggrieved by any act constituting a violation of this article may complain to the police department who shall enforce this article.

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- (b) The police are also authorized to enforce this article without any such complaint.

Sec. 13-55. Penalties.

- (a) Violators may be served with a infraction notice, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offence sited. Fines shall be in the amount of \$75.00 for the first offence, and \$100.00 for each subsequent offence.
- (b) Said fine amounts as may be levied may be adjusted without further municipal action so as to be in conformity with the State of Connecticut, Superior Court, Mail in Violations and Infractions Schedule, as it may be amended from time to time. Nothing in this ordinance shall prevent the police department, because of the perceived nature of the offence, from proceeding not under the terms of this ordinance, but under the provisions of Connecticut General Statute 53a-181, 53a-181a, and 53a-182, as they may be amended from time to time, which sections relate, generally to breach of peace, creating a public disturbance, and disorderly conduct, ect.

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Sec. 13-56. Variances and contracts.

(a) *Variances.*

(1) Any Person living or doing business in the town may apply to the Trumbull Monroe Regional Health District for a variance from one (1) or more of the provisions of this article, which are more stringent than the state Department of Environmental Protection regulations for the control of noise, provided that the applicants supplies all of the following information to the Director of Health:

- a. The location and nature of the activity;
- b. The time period and the hours of operation of the activity;
- c. The nature and intensity of the noise that will be generated; and
- d. Any other information required by the Director of Health

(2) No variance from this article shall be issued unless it has been demonstrated that:

- a. The proposed activity will not violate any provisions of the state Department of Environmental Protection regulations;
- b. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- c. Compliance with this article constitutes an unreasonable hardship on the applicant.

(3) The application for the variance shall be reviewed and either approved or rejected within fifteen (15) days of the receipt by the Director of Health. The approval or rejection shall be in writing and shall state the conditions of approval of the variance.

(4) Failure to rule on the application in the designated time shall constitute approval of the variance.

(b) *Recourse.* Any person aggrieved by the decision of the Director of Health with the respect to any variance may appeal same to the Zoning Board of Appeals within a period of ten (10) days of receipt of the Health Director's decision.

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- (c) *Contracts.* Any written agreement, purchase order or contract whereby the town 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 article will be operated, constructed, conducted or manufactured without violating the provisions of this article.
(Res. No. TC11-57, 8-4-86)

Sec. 13-57. Conflicting provisions.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this article shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional, this article shall hereby be invalidated and the remainder of this article shall continue in effect. Any provision herein which is in conflict with the state statutes or the public health code of this state are hereby repealed, it being understood that such statutes and code shall take precedence over this article.

(Res. No. TC11-57, 8-4-86)