

AN ORDINANCE PROVIDING FOR THE REDUCTION OR ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE CITY OF WATERBURY, CT.

Short Title: "The City of Waterbury Noise Control Ordinance."

Section 1 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 welfare 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 Waterbury through the reduction, control and prevention of noise.

Section 2

Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 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.
- 2) BOARD OD ALDERMEN: Shall mean the Board of Aldermen of the City of Waterbury.
- 3) 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.
- 4) CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 5) DAY-TIME HOURS: Shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and the hours between 9:00 a.m. through 10:00 p.m. on Sundays.
- 6) DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is DB.

- 7) DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surface or similar property.
- 8) DIRECTOR OF HEALTH: Shall mean the Director of Health of the City of Waterbury.
- 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.
- 10) EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 11) EMERGENCY VEHICLE: Shall mean any motor vehicle authorized by the City of Waterbury to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- 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.
- 13) IMPULSE NOISE: Shall mean sound of short duration (generally less than one second) with an abrupt onset and rapid decay.
- 14) MOTOR VEHICLE: Shall be defined as per Section 14-1(30) of the Connecticut General Statutes (Revisions of 1958 as amended).
- 15) MUFFLER: Shall mean a device for abating sounds such as escaping gases.
- 16) NIGHT-TIME HOURS: Shall mean the hours between 10:00 p.m. and 7:00 a.m. Monday through Saturday and 10:00 p.m. to 9:00 a.m. Saturday evening through Sunday morning.
- 17) NOISE: Shall mean any sound, the intensity of which exceeds the standards set forth in Section 4 of this Ordinance.
- 18) 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.

- 19) PERSON: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative sub-division of the State or other legal entity of any kind.
- 20) 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 contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.
- 21) 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.
- 22) 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.
- 23) RECREATIONAL VEHICLE: Shall mean any non-registered internal combustion engine powered vehicle which is being used for recreational purpose.
- 24) RESIDENTIAL ZONE: Residential, Recreational, or Educational uses.
- 25) 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 the air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.
- 26) 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).

- 27) SOUND PRESSURE LEVEL: (SPL): 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 micronewtons per square meter and is expressed in decibels (dB).
- 28) 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.

Section 3

Noise Level Measurement Procedures: For the purpose of determining noise levels as set forth in this Ordinance, 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 by this Ordinance.
- 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 field calibrated before and after each measurement of the noise level.
  - 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.
  - d) Measurements shall be taken at a point that is at least 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 4

Noise Levels

- 1) It shall be unlawful for any person to emit any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.
- 2) NOISE LEVEL STANDARDS.

Receptor's Zone

Emitter Zone	Receptor's Zone			
	Industrial	Commerical	Residential Day	Residential Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA
Commercial	62 dBA	62 dBA	55 dBA	45 dBA
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

- 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 or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime 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 level at any time to any zone.

#### 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 for strictly farming.

#### 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 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 City or its agents.
- d) Noise created by an aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

- e) Noise created by any recreational and or social 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 fireworks displays.
- f)
  - 1. Noise created by municipal refuse and solid waste collection.
  - 2. Noise created by private refuse and solid waste collection provided that the activity is conducted during daytime hours.
- g) 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 4.

Section 5

1. 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 sounding of such device for an unnecessary and unreasonable period of time.
- b) RADIOS, PHONOGRAPHS, ETC. The playing of any radio, phonograph or musical instrument in such a manner of 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 any person in the vicinity.

- c) SHOUTING, SINGING, ETC. Yelling, shouting, hooting, whistling or singing on the public streets, 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 excavation), 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 case of urgent necessity in the interest of public safety, and then only with a permit from the building official 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 residential premises or on a City road next to a residential premises.

Section 6 Motor Vehicle Noise

- 1) All motor vehicles operated within the limits of the City of Waterbury, shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- 2) No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in Sec. 4.
- 3) This section dealing with motor vehicle noise shall be enforced by the Superintendent of Police and/or his designated subordinates.

Section 7 INSPECTIONS

- 1) For the purpose of determining compliance with the provisions of this Ordinance, the Director of Health, Superintendent of Police or their designated representatives are hereby authorized to 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 premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Director of Health, Superintendent of Police or their designated representatives 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.

- 2) It shall be unlawful for any person to refuse to allow or permit the Director of Health, Superintendent of Police or their designated representatives free access to any premises when the Director of Health, Superintendent of Police or their designated representatives is acting in compliance with a warrant for the inspection and order issued by the appropriate court.
- 3) It shall be unlawful for any person to violate the provisions of any warrant or court requiring inspection, testing or measurement of noise sources.
- 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 8 Variances

- a) Any person living or doing business in Waterbury may apply to the Department of Health for a variance from one or more 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, and
  - 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, and
  - 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 thirty 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.

## Section 9 Penalties

- 9-1 The Director of Health or his authorized agent, whenever he finds after investigation that any person is causing, engaging in or maintaining any condition or activity which, in his judgement, constitutes a violation of these regulations may, without prior hearing, issue a Cease and Desist Order in writing to such person to discontinue, abate or alleviate such condition or activity. Upon receipt of such order, such person shall immediately discontinue, abate or alleviate, or shall refrain from causing, engaging in or maintaining such condition or activity. The Director of Health or his authorized agent, shall within ten (10) days of such order hold a hearing to provide the person opportunity to be heard and show that such condition does not exist. Such order shall remain in effect until ten (10) days after the hearing within which time the Director of Health or his authorized agent will report to the Corporation Counsel with recommendations for other appropriate action based on the hearing as it deems necessary. Any and all legal action taken thereafter will be the sole responsibility of the Corporation Counsel and the City of Waterbury.
- 9.2 Any person found in violation of any of the provisions of this Ordinance shall be upon citation conviction thereof shall be fined in an amount not to exceed one hundred (\$100) dollars. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation.

Section 10

SEVERABILITY. All provisions of the Zoning Regulations of the City of Waterbury, 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, it being understood that said Statutes and Code shall take precedence over this Ordinance.

Section 11

Superintendent of Police and Director of Health shall submit a report to the Board of Aldermen one year from effective date of the Ordinance.

Section 12

The effective date of this Ordinance shall be ten (10) days subsequent to receipt by the City Clerk; as approved by the Board of Alderman on *July 7, 1986 amended April 20, 1987* and the Commissioner of Environmental Protection on pursuant to C.G.S. Sec. 22a-73(c).