

Chapter 8.80 - NOISE CONTROL REGULATIONS

Sections:

8.80.010 - 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 chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Bridgeport through the reasonable reduction, control and prevention of noise.

(Ord. dated 6/19/06 (part): Ord. dated 10/2/00: Ord. dated 5/1/00: prior code § 21-35)

8.80.020 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Ambient noise or background" means noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

"Best practical noise control measures" means noise control devices, technology and procedures which are determined by the city's director of public facilities and/or his or her designee to be the best practical, taking into consideration the age of the equipment and facilities involved, the process employed, capital expenditures, maintenance cost, technical feasibility, and the engineering aspects of the applicable noise control techniques in relation to the control achieved and the nonnoise controlled environmental impact.

"City council" means the city council of the city.

"Commercial zone" means any business zone including business zones Nos. 1, 2, 3 and 4 as defined in the zoning regulations of the city.

"Construction" means 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.

"Construction equipment" means any equipment or device operated by fuel or electric power used in construction or demolition work.

"Day-time hours" means the hours between seven a.m. and six p.m. Monday through Friday, and the hours between nine a.m. through six p.m. on Saturday and Sunday.

"Decibel" means a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is DB.

"Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surface or similar property.

"Domestic power equipment" means, but is 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.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency vehicle" means any motor vehicle authorized to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

"Emergency work" means 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" means sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

"Industrial zone" means any industrial zone including light industrial and heavy industrial as defined in the zoning regulations of the city.

"Legal holiday" means those days designated as legal holidays by Connecticut General Statutes Section 1-4 or its successor (amended July 21, 1999).

"Motor vehicle" shall be defined as per Section 14-1(26) of the Connecticut General Statutes (revision of 1958 as amended).

"Muffler" means a device for abating sounds, such as escaping gases.

"Night-time hours" means the hours between six p.m. and seven a.m. Monday through Friday and six p.m. to nine a.m. Saturday and Sunday.

"Noise" means any sound, the intensity of which exceeds the standards set forth in Section 8.80.040 of this chapter.

"Noise level" means 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.

"Person" means 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.

"Premises" means 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.

"Property line" means that real or imaginary line along the ground surface and its vertical extension which: (1) separates real property owned or controlled by another person, and (2) separates real property from the public right-of-way.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

"Recreational vehicle" means any nonregistered internal combustion engine powered vehicle which is being used for recreational purposes.

"Residential zone" means any residence zone including residence zones AA, A, B, BB, C, garden apartment zone or residence apartment zone, and any commercial zone when used for residential purposes, as defined in the zoning regulations of the city and all uses permitted therewith either as a right or as a special use.

"Sound" means 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.

"Sound level meter" means 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 (Type S2A).

"Sound pressure level (SPL)" means twenty (20) times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of twenty micronewtons per square meter (20×10^{-6} Newton/meter²), and is expressed in decibels (dB).

"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.

(Ord. dated 6/19/06 (part); Ord. dated 10/2/00; Ord. dated 5/1/00; Ord. dated 6/21/99; Ord. dated 12/21/92 § 67; prior code § 21-36)

8.80.030 - Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines 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 chapter.
- C. The general steps listed below shall be followed when preparing to take sound level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. The sound level meter shall be calibrated before and after each set of measurements.
 - 3. 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 feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
 - 4. 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.

(Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-37)

8.80.040 - Noise levels.

- A. It is unlawful for any person to emit, allow or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

B. Noise Level Standards:

Receptor's Zone

| Emitter's Zone | Industrial | Commercial | 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 |

- C. High Background Noise Levels and Impulse Noise.

1. In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained in this chapter, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five 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. Any bell or chime from any building clock, schools or church;
 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 or intrusion alarms attached to a motor vehicle not terminating within thirty (30) minutes after being activated shall be unlawful; and provided that the repetition of activation of the audible signal of a burglar or intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall not be excluded and shall be unlawful;
 4. Warning devices required by OSHA or other state or federal safety regulations;
 5. Farming equipment or farming activity operated within an area used for strictly farming.
- E. Exemptions. The following shall be exempt from these regulations subject to special conditions as spelled out:
1. Noise created as a result of, or relating to an emergency;
 2. Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours, provided, that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom;
 3. Noise from snow removal equipment, provided, that such equipment shall be maintained in good repair so as to minimize noise and noise discharged from exhausts which shall be adequately muffled to prevent loud and/or explosive noises therefrom;
 4. Noise created by an aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
 5. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including, but not limited to, parades, sporting events, concerts and firework displays;
 6. Noise created by vehicles owned by or being utilized under a contract with a governmental entity providing that best practical noise control measures have been implemented;
 7. Noise generated by any construction equipment which is operated during daytime hours, provided that operation of construction equipment during night-time hours shall not exceed the maximum noise levels as specified in this section, except that those building operations prohibited by Section 8.80.050(C)(7) of this chapter are prohibited regardless of whether or not they exceed the maximum noise levels;
 8. Notwithstanding the provisions of this chapter, noise generated from construction or demolition activities for the state-wide project for the installation of electric three hundred forty-five (345) kV lines and construction of the singer substation in accordance with the directive from the state of Connecticut Siting Council, by employees or authorized agents of Northeast Utilities and United

Illuminating, are exempt from this chapter. Specific limitations on work hours for this project shall be established by the director of public facilities as a condition for obtaining street excavation permits, and by the municipal building official for the construction of the singer substation;

9. Notwithstanding the provisions of this chapter, noise generated from the operation of the Bridgeport Harbor Station electric-generating facility, including the installation and the operation of the Mercury Emissions Reduction Project, which project has been approved by the state of Connecticut Siting Council, are exempt from this chapter provided, that the overall noise generated by the operation of the electric generating facility shall not exceed the maximum noise levels as specified in subsection B of this section by more than the ten dBA, as currently allowed under Sections 22a-69-1 through 22a-69-7.4 of the Regulations of Connecticut State Agencies.

(Ord. dated 5/7/07; Ord. dated 6/19/06 (part): Ord. dated 11/3/03; Ord. dated 10/2/00: Ord. dated 5/1/00: prior code § 21-38)

8.80.050 - Prohibited noise activities.

- A. **General Prohibition.** It is unlawful for any person to make, continue or cause to be made or continued any noise in violation of this chapter which reasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- B. Officers of the police department shall issue a notice of violation for the following violations of this section of the noise ordinance without use of a sound level meter.
- C. 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:
 1. **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 and unless it is unnecessary as a warning to prevent or avoid a traffic or pedestrian accident;
 2. **Radios, Phonographs, etc.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to reasonably 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;
 3. **Shouting, Singing, etc.** Yelling, shouting, hooting, whistling or singing on the public street at any time or place so as to reasonably annoy or disturb the quiet, comfort or repose of any persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity;
 4. **Animals.** The keeping of any animal or bird which by causing frequent or long-continued barking, calling or other noise so as to reasonably annoy or disturb the quiet, comfort or repose of any person in any office, or in any dwelling, hotel or other type of residence or of any person in the vicinity;
 5. **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;
 6. **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;
 7. **Building Operations.** The erection (including excavating), demolition, alteration or repair of any residential building, or the excavation of streets and highways, except as set forth in Section

8.80.040(D)(8) of this chapter, between the evening hours of six p.m. and seven a.m. Monday through Friday and the evening hours of six p.m. and nine a.m. on Saturday and Sunday and nonlegal holiday weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the board of building commissioners or any other board or commission in charge, which permit may be granted for a period not to exceed three days while the emergency continues. At all other times the owner, tenant, or their agent, shall have the right to erect and repair their property (amended June 21, 1999);

8. Engine Idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of three consecutive minutes when such vehicle is parked on a residential premises or on a city road immediately adjacent to a residential premises, except when a motor vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control, or when necessary to operate heating, cooling or auxiliary equipment installed on the motor vehicle to accomplish the intended use thereof, or to bring the engine or motor vehicle to the manufacturer's recommended operating temperature, or when the temperature is below twenty (20) degrees Fahrenheit;
9. The creation of any excessive noise on any street that is adjacent to any school of learning, church or court while the same is in session, or is adjacent to any hospital, or medical facility for treatment which interferes with the working or sessions thereof or the persons therein.

(Ord. dated 6/19/06 (part): Ord. dated 11/3/03; Ord. dated 10/2/00: Ord. dated 5/1/00: Ord. dated 6/21/99: prior code § 21-38)

8.80.060 - Motor vehicle noise.

- A. All motor vehicles operated within the limits of the city shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 22a-73 of the Connecticut General Statutes and Sections 22a-69-1 through 22a-69-7.4 of the Regulations of Connecticut State Agencies, as may be amended from time to time.
- B. No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in Section 8.80.040 of this chapter.
- C. This section dealing with motor vehicle noise shall be enforced by the chief of police and/or his designated subordinates.

(Ord. dated 6/19/06 (part): Ord. dated 11/3/03; Ord. dated 10/2/00: Ord. dated 5/1/00: Ord. dated 12/21/92 § 75(a); prior code § 21-40)

8.80.070 - Recreational vehicle noise.

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 chapter when the noise so generated exceeds the noise level standard set forth in Section 8.80.040.

(Ord. dated 10/2/00: Ord. dated 5/1/00: prior code § 21-41)

8.80.080 - Inspections.

- A. For the purpose of determining compliance with the provisions of this chapter, the director of health or his designated representative, as well as officers of the police department, are 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 premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the director of health 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 is 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.
- C. It is 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, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

(Ord. dated 10/2/00: Ord. dated 5/1/00: prior code § 21-42)

8.80.090 - Variance and contracts.

A. Variances.

1. Any person living or doing business in Bridgeport may apply to the department of health for a variance from one or more of the provisions of this chapter, 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;
 - a. The location and nature of the activity;
 - b. The time period and hours of operation of said 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 these regulations shall be issued unless it has been demonstrated that:
 - a. The proposed activity will not violate any provisions of the Connecticut 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 the regulations constitutes an unreasonable hardship on the applicant.
 3. 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.
 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 respect to any variances may appeal in accordance with the Charter to the environmental review board within a period of fourteen (14) days of receipt of the health director's decision.
 - C. Contracts. Any written agreement, purchase order or contract whereby the city 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 chapter will be operated, constructed, conducted or manufactured without violating the provision of this chapter.

(Ord. dated 10/2/00: Ord. dated 5/1/00: prior code § 21-44)

8.80.100 - Violation—Penalties.

Any person in violation of any of the provisions of this chapter shall be fined in an amount of one hundred dollars (\$100.00) made payable to the city of Bridgeport. Each day such violation occurs or continues after the time for correction of the violation given in an order has elapsed shall constitute a separate violation. The imposition of any punishment under this chapter shall not prevent the enforced abatement of any unlawful conditions by the city.

(Ord. dated 6/19/06 (part): Ord. dated 11/3/03: Ord. dated 10/2/00: Ord. dated 5/1/00: prior code § 21-43; amended June 21, 1999)

8.80.110 - Noise violation appeals.

A. Administrative Appeal.

1. Any person, operator or owner of a vehicle which has been cited under this chapter may submit a written request for an administrative appeal to the chief of police or his designee of the issuance of such citation within a designated appeal period of not more than fourteen (14) days from the date of the citation.
2. The chief of police or his designee shall establish and publish notices indicating the procedures to request administrative appeal under subsection (A)(1) of this section and shall cause notice of appeal rights to be printed on each violation notice issued.
3. Payment of the penalty/fines shall be stayed pending the administrative appeal. Payment of the penalty/fine shall be made within fourteen (14) days of mailing of finding of the administrative appeal unless a finding was made in favor of the appellant or the appellant has elected to proceed under subsection B of this section.
4. Any person who has requested administrative appeal shall be notified in writing within forty-five (45) days of the issuance of the citation, of the findings relative to the appeal. If dissatisfied with such finding, a formal hearing may be requested by submitting a written request to the chief of police or his designee within fourteen (14) days of such finding of the administrative appeal in accordance with subsection B of this section.

B. Formal Hearing Procedure: Noise Ordinance Violations Hearing Officer.

1. Pursuant to Connecticut General Statute Section 7-148, as amended, the mayor shall appoint, with the approval of the city council, one or more noise ordinance violations hearing officer(s) (the "officer").

Officer(s) shall not be employed by the police department. Officer(s) shall serve for a term of two years or part thereof, which term shall commence from date of approval by the city council and shall end on December 31st of every even year. Officer(s) may be compensated by the city with the funds appropriated for this purpose as recommended by the mayor and approved by the city council.

2. Officer(s) shall be empowered to hear appeals from the issuance of noise violation citations or as otherwise herein provided.
3. Any person, owner or operator of a vehicle cited pursuant to this chapter may request a formal hearing before officer(s) within fourteen (14) days of any of the following events:
 - a. Issuance of noise violation citation;
 - b. Issuance of adverse findings in the administrative appeal;
 - c. First issuance of notice of delinquency of noise violation citation.

4. Hearing Procedure Shall Comply with Connecticut General Statute Section 7-148.
 - a. In scheduling formal appeal hearings, the appellant shall be notified by mail of the place and time of hearing. Such notice shall be provided at least fifteen (15) days but not more than thirty (30) days prior to the scheduled hearing date.
 - b. The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
 - c. In considering an appeal, the hearing office may consider all relevant facts and circumstances and may require personal appearance of the appellant and issuing officer.
 - d. Should the officer find in favor of the appellant, he shall so certify to the police department and the record of the citation shall be removed from the files of the city.
 - e. Should the officer find the issuance of the citation proper, he shall so certify to the police department and no further appeal under this section shall be considered, either administrative or formal.
 - f. If such penalty is not paid on the date of its entry, the city may proceed to enforce the penalty pursuant to Connecticut General Statutes section 7-148 (10)(A) as amended.

(Ord. dated 6/19/06 (part): Ord. dated 11/3/03; Ord. dated 10/2/00)

8.80.120 - Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this chapter which can be given effect without the invalid provisions or application; and to this end, the provisions of this chapter and the various applications thereof are declared to be severable. All provisions of the zoning regulations of the city which are more stringent than those set forth herein shall remain in full force and effect.

(Ord. dated 6/19/06 (part): Ord. dated 11/3/03)

8.80.130 - Enforcement.

This chapter shall be enforced by the chief of police and/or the city's director of health and/or their respective designated subordinates in accordance with its terms and provisions.

(Ord. dated 11/3/03)