

CHAPTER 97: NOISE CONTROL

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§ 97.01 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 the city through the reduction, control and prevention of noise.

(1967 Code, § 12-1) (Ord. passed 7-7-1986; Ord. passed 4-20-1987)

§ 97.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT NOISE or **BACKGROUND**. Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF ALDERMEN. The Board of Aldermen of the City of Waterbury.

CONSTRUCTION. 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. Any equipment or device operated by fuel or electric power used in construction or demolition work.

DAY-TIME HOURS. 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.

DECIBEL. A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is **DB**.

DEMOLITION. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surface or similar property.

DIRECTOR OF HEALTH. The Director of Health of the City of Waterbury.

DOMESTIC POWER EQUIPMENT. Power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE. Any motor vehicle authorized by the city to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

EMERGENCY WORK. 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. Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

MOTOR VEHICLE. Defined as per Conn. Gen. Stat. § 14-1(53).

MUFFLER. A device for abating sounds such as escaping gases.

NIGHT-TIME HOURS. 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.

NOISE. Any sound, the intensity of which exceeds the standards set forth in § 97.04.

NOISE LEVEL. 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. 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. 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. Real or imaginary line along the ground surface and its vertical extension which:

- (1) Separates real property owned or controlled by another person; and/or
- (2) Separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL VEHICLE. Any nonregistered internal combustion engine-powered vehicle which is being used for recreational purposes.

RESIDENTIAL ZONE. Residential, recreational or educational uses.

SOUND. 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. An instrument used to take sound level measurements and which should conform, at a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters § 1.4-1971 (Type 52A).

SOUND PRESSURE LEVEL (SPL). Twenty times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter and is expressed in decibels (dB).

VIBRATION. An oscillatory motion of sound bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

(1967 Code, § 12-2) (Ord. passed 7-7-1986; Ord. passed 4-20-1987)

§ 97.03 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 field calibrated before and after each measurement of the noise level.

(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 at least one foot beyond the boundary of the emitter's premises within the noise receptor's premises. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(1967 Code, § 12-3) (Ord. passed 7-7-1986; Ord. passed 4-20-1987)

§ 97.04 NOISE LEVELS.

(A) *Generally.* It shall be unlawful for any person to emit any noise beyond the boundaries of his premises in excess of the noise levels established in these regulations.

(B) *Noise level standards.*

	Receptor's Zone			
Emitter Zone	Industrial (dBA)	Commercial (dBA)	Residential Day (dBA)	Residential Night (dBA)

Residential	62	55	55	45
Commercial	62	62	55	45
Industrial	70	66	61	51

(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 herein, a source shall be considered to cause excessive noise if the noise emitted by the 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 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 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 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 alarms not terminating within 30 minutes after being activated shall be unlawful;

(4) Warning devices required by OSHA or other state or federal safety regulations; and

(5) Farming equipment or farming activity operated within an area 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 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;

(3) Noise from snow removal equipment operated by the city or its agents;

(4) Noise created by an aircraft flight operations which are specifically pre-empted by the Federal Aviation Administration;

(5) 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;

(6) (a) Noise created by municipal refuse and solid waste collection.

(b) Noise created by private refuse and solid waste collection provided that the activity is conducted during the hours of 5:00 a.m. to 5:00 p.m.

(7) Noise generated by any construction equipment which is operated during daytime hours; provided that, operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in this section.

(1967 Code, § 12-4) (Ord. passed 7-7-1986; Ord. passed 4-20-1987)

§ 97.05 PROHIBITED NOISE ACTIVITIES.

(A) *General prohibition.* It is 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 of safety of others.

(B) *Police Department action.* Officers of the Police Department shall issue citations 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; the creation by means of any such signal device or any unreasonably

loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) *Radios, phonographs, etc.*

(a) The playing of any radio, phonograph, musical instrument, tape recorder, cassette player, compact disk player, device for receiving broadcast sound or reproducing recorded sound, or any other sound amplification system or similar device in such a manner or with such volume 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.

(b) The playing of any radio, tape recorder, cassette player, compact disk player, device for receiving broadcast sound or reproducing recorded sound, or any other sound amplification system or similar device which produces sound in a motor vehicle in such a manner or with such volume 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.

(3) *Shouting, singing, etc.* Yelling, shouting, hooting, whistling or singing on the public street at any time or place so as to annoy or disturb the quiet, comfort or repose of persons 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 noise shall disturb the comfort or repose 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 engine, motorcycle engine, motorboat engine or any other vehicle engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building or the excavation of streets and highways, between the evening hours of 6:00 p.m. and 7:00 a.m. Monday through Friday and the evening hours of 6:00 pm. to 9:00 a.m. on Saturday and Sunday and legal holiday weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the Building Inspector or Traffic Engineer, which permit may be granted for a period not to exceed three days while the emergency continues.

(8) *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.

(9) *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 minutes when such vehicle is parked on a residential premises or on a city road next to a residential premises.

(10) *Schools, churches, court, hospitals, etc.* The creation of any excessive noise on any street that is adjacent to any school, institution 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.

(1967 Code, § 12-5) (Ord. passed 7-7-1986; Ord. passed 4-20-1987; Ord. passed 5-26-2009) Penalty, see § 97.99

§ 97.06 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 Conn. Gen. Stat. § 14-80a.

(B) No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in § 97.04.

(C) This section dealing with motor vehicle noise shall be enforced by the Superintendent of Police and/or his designated subordinates.

(1967 Code, § 12-6) (Ord. passed 7-7-1986; Ord. passed 4-20-1987) Penalty, see § 97.99

§ 97.07 INSPECTIONS.

(A) For the purpose of determining compliance with the provisions of this chapter, 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.

(B) 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.

(C) It shall be unlawful for any person to violate the provisions of any warrant or court 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 duties under this chapter.

(1967 Code, § 12-7) (Ord. passed 7-7-1986; Ord. passed 4-20-1987) Penalty, see § 97.99

§ 97.08 VARIANCES.

(A) Any person living or doing business in the city may apply to the Department of Health for a variance from one or more provisions of the 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:

- (1) The location and nature of the activity;
- (2) The time period and hours of operation of the 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 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 30 days of receipt by the Director of Health. The approval or rejection shall be in writing and shall state the conditions of approval of the variance.

(1967 Code, § 12-8) (Ord. passed 7-7-1986; Ord. passed 4-20-1987)

§ 97.09 CEASE AND DESIST ORDER; HEARING BY DIRECTOR OF HEALTH.

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 judgment, constitutes a violation of these regulations may, without prior hearing, issue a cease and desist order in writing to the person to discontinue, abate or alleviate the condition or activity. Upon receipt of the order, the person shall immediately discontinue, abate or alleviate, or shall refrain from causing, engaging in or maintaining the condition or activity. The Director of Health or his authorized agent, shall within ten days of the order hold a hearing to provide the person opportunity to be heard and show that such condition does not exist. The order shall remain in effect until ten 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.

(1967 Code, § 12-9) Penalty, see § 97.99

§ 97.99 PENALTY.

Any person in violation of any of the provision of this chapter shall be fined as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this code. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a continuing violation. The imposition of any punishment under this chapter shall not prevent the enforced abatement of any unlawful conditions by the city.

(1967 Code, § 12-9) (Ord. passed 7-7-1986; Ord. passed 4-20-1987; Ord. passed 5-26-2009; Ord. passed 8-19-2013)