

NOISE ORDINANCE

BE IT ORDAINED AND ENACTED BY THE BOARD OF ALDERMAN OF THE CITY OF ANSONIA:

§s 17-11 and 17-12 of the Code of the City of Ansonia are repealed.

The following is enacted as §s 17-11, 17-12, 17-13, 17-14, 17-15, 17-16, 17-17, 17-18, 17-19, 17-20, 17-21, 17-22 of the Code of the City of Ansonia.

§ 17-11. Loud, disturbing, and excessive noise prohibited.

The creation of any loud, disturbing, and excessive noise in the City of Ansonia is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or such noise as disturbs the quiet and peace of residents of the City. Such loud, disturbing, or excessive noise shall be defined to be such noise levels which are in excess of the noise levels as set forth in § 17-14 of this ordinance.

§ 17-11A. Definitions.

For the purpose of this ordinance the following terms, words, and phrases shall have the following meaning unless the context clearly indicates otherwise.

- A. Commercial Zone shall mean those areas so designated in the Zoning Regulations of the City of Ansonia as NR, RR, C, and SC.
- B. Emergency shall mean any occurrence or act or circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- C. Emitter shall mean the person who creates, causes to be created, or allows the noise.
- D. Industrial Zone shall mean those areas so designated in the Zoning Regulations of the City of Ansonia as LI, HI, CP.
- E. Loud, disturbing, or excessive noise shall be defined as noise in excess of the noise levels as set forth in § 17-14 of the ordinance.
- F. Muffler shall mean a device designed and properly maintained in good working order to prevent loud, disturbing, or excessive exhaust noise by an

engine or a motor. Mufflers shall include interior baffle plates or other effective muffling devices.

- G. Receptor shall mean the person who receives the noise impact.
- H. Day and daytime and the hours of day shall be defined as the hours between 7:00 a.m. and 9:00 p.m. local time.
- I. Night and night-time and the hours of night shall be defined as the hours between 9:01 p.m. and 6:59 a.m. local time.
- J. A sound level meter shall mean an instrument, including a microphone, an amplifier an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971,
- K. Recreational vehicle shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.
- L. Residential Zone shall mean those areas so designated in the Zoning Regulations of the City of Ansonia as AA, A, B, GA, BB, and MM, as may be amended from time to time.

§ 17-12. Enumeration of acts declared loud and disturbing.

The following acts among others are declared to be loud, disturbing, or excessive noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- A. *Blowing horns.* The sounding or blowing of any horn or signal device on an automobile, motorcycle, motorbus, or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable length of time.
- B. *Radios, phonographs, etc.* The playing of any radio, television set, phonograph, tape, compact disc, or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling or other residence.
- C. *Animals.* The keeping of any animal or bird which, by making frequent or long-continued noise, shall disturb the comfort, or repose of persons in the vicinity.
- D. *Blowing 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 danger.
- E. *Muffler.* Each motor vehicle operated by an internal combustion engine shall be provided with a muffler designed to prevent loud, disturbing, or excessive exhaust noise, which muffler shall be maintained by the owner in good working order and in constant operation consistent with applicable state law.

- F. *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- G. *Building operations.* The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district, other than between the hours of 7:00 a.m. and 9:00 p.m., except in cases of necessity, or in the interest of public safety, and then only with permission from the proper city officials.
- H. *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, hospital, or in any such place or institution; provided that signs shall be displayed in such street indicating that there is a school, church, hospital, library, etc. thereon.
- I. *Loading and unloading operations.* The creation of loud and excessive noises in connection with the loading and/or unloading of any vehicle, or the opening or disposition of bales, boxes, crates, and containers.
- J. *Hawking, peddling, or soliciting.* Shouting, loud talking, crying, or soliciting by peddlers, hawkers, and other venders which disturbs the quiet and peace of the neighborhood or persons therein.
- K. *Advertising.* The use of any drum, or loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or to the display or advertisement of merchandise, by the creation of noise.
- L. *Business establishments.* The operation of any business establishment between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to create loud and disturbing noises, of such frequency or volume as to annoy or disturb the quiet and comfort of any neighborhood or of persons therein, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, repose or peace of persons in any dwelling, boardinghouse, or other type of residence. Disturbing noises shall be defined as those which are in excess of the noise levels as set forth in § 17-14 of this ordinance.
- M. The acts set forth in § 17-12(B)(C)(E)(G)(H)(I)(J)(K)(L)(M) and (N) shall be deemed loud, disturbing, and excessive if they shall be at a noise level exceeding the noise levels as set forth in § 17-14.
- N. The acts set forth in § 17-12 (A) shall be subject to standards as set forth in § 17-16(A) of this ordinance and the acts set forth in § 17-12 (D) and (F) shall be subject to standards set forth in § 17-14 of this ordinance.

§ 17-13. Noise Level Measurement Procedures.

For the purpose of determining noise levels as set forth in this ordinance, 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 ordinance.
- 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. 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.
 - 4. 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.
 - 5. Measurements shall be taken at a point that is located about one(1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/hers individual unit of land or ground of contiguous parcels under the same ownership, as indicated by public land records.
- D. The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form #101".

§ 17-14. 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 premises 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 premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

EMITTER'S ZONE
RESIDENTIAL

RECEPTOR'S ZONE

INDUSTRIAL
62dBa

COMMERCIAL
55dBa

RESIDENTIAL/day
55dBa (day)
45dBa (night)

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

EMITTER'S ZONE
COMMERCIAL

<u>RECEPTOR'S ZONE</u>		
INDUSTRIAL	COMMERCIAL	RESIDENTIAL
62dBa	62dBa	55dBa (day) 45dBa (night)

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

EMITTER'S ZONE
INDUSTRIAL

<u>RECEPTOR'S ZONE</u>		
INDUSTRIAL	COMMERCIAL	RESIDENTIAL
70dBa	66dBa	61dBa(day) 51dBa (night)

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 excess noise if the noise emitted by such source exceeds the background noise levels by five (5) decibels, provided that no source subject to the provisions of this ordinance shall emit noise in excess of eighty (80) decibels at any time, and provided that this § does not decrease the permissible levels of other §s of this ordinance.
2. No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels 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) decibels peak sound pressure at any time in 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, church or school.
3. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that intrusion alarms not terminating after being activated within ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure shall be unlawful. Repetition of activation of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

4. Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations.
5. Farming equipment or farming activity.

E. Exemptions and special conditions. The following shall be exempt from these regulations subject to special conditions as may be spelled out:

1. Noise generated by construction activities during daytime hours (7:00 a.m. to 9:00 p.m.), it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m. or after 9:00 p.m. on Monday through Sunday.
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. provided the noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
4. Noise from snow removal equipment provided the equipment is maintained in good repair so as to minimize noise, and noise discharged from exhaust shall be adequately muffled to prevent loud and/or explosive noises therefrom.
5. Noise from demolition activities conducted during daytime hours, it being the express intention of this provision to prohibit the use of equipment and machinery used in demolition work before the hour of 7:00 a.m. or after 9:00 p.m.; provided that when considered emergency work, demolition shall be exempt from the noise levels set in this regulation.
6. Noise created by aircraft flight operations, which is specifically preempted by the Federal Aviation Administration.
7. 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.
8. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
9. Sound created by any motor vehicle shall be subject to Connecticut General Statute § 14-80 (a).
10. Conditions caused by natural phenomena, strike, riot, catastrophe, or other condition over which the apparent violator has no control.
11. Noise created by the use of property for purposes of conducting speed or endurance events involving motor vehicles shall be exempted but such exemption is effective only during the specific period(s) of time within which such use is authorized by the political subdivision or governmental entity having lawful jurisdiction to sanction such use.
12. Construction noise **during daytime hours**.
13. 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 specified hours

previously announced to the local public or provided that a permit for such blasting has been obtained from the local authorities.

14. Noise created by on-site recreational or sporting activity which is sanctioned by the state or local government provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
15. Patriotic or public celebrations not extending longer than one calendar day.
16. Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.
17. 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.
18. Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, telephone, cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.

§ 17-15. Prohibited Noise Activities.

The following activities are prohibited:

- A. 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.
- B. Truck 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 weight (GVW), for a period in excess of three minutes when such vehicle is parked on a residential premise or on a city street next to a residential premise.
- C. Exhaust discharge. No person shall discharge into the ambient air the blowdown of any steam vent, or the exhaust of any stationary internal-combustion engine or air compressor equipment, unless such discharge is through a muffler as previously defined or through an apparatus providing equal noise reduction.

§ 17-16. Motor Vehicle Noise.

- A. All motor vehicles operated within the limits of the City of Ansonia shall be subject to the noise standards and decibel levels set forth in the regulations authorized in § 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.
- B. No Sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § 17-14B.
- C. This § with motor vehicle noise shall be enforced by the Chief of Police.

§ 17-17. Recreational Vehicle Noise.

No person shall create or cause to be created any unreasonable loud or disturbing noise due to the operation of a recreational vehicle not participating in a speed or endurance event, involving a motor vehicle, authorized by the City of Ansonia. Recreational vehicle noise shall be deemed to be loud, disturbing, or excessive and a violation of this ordinance when the noise so generated exceeds the noise levels standards set forth in Connecticut General Statutes § 14-80 (a) and in any circumstances where C. G. S. § 14-80 (a) does not apply then exceeds to the noise level standards set forth in § 17-14B hereof.

- A. For the purpose of determining compliance with the provisions of this ordinance, 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 as it experienced at receptor's property. Should any inspection or measurement be required to be taken during the hours of the day or night which cause the Police Department to incur expenses for overtime hours paid to any employee and such measurements or inspections indicate a violation of this ordinance, the violator shall pay the City of Ansonia for such expenses for overtime hours for said employee or employees in addition to any penalty provided herein.
- B. 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.
- C. The Police Department under the direction of the Chief of Police shall be responsible for investigating complaints of excessive noise; determining whether violations may have occurred; and making acoustic measurements when necessary to determine that a violation has in fact occurred under the provisions of this ordinance.

§ 17-18. Violations and Penalties.

- A. Any person in violation of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed fifty (\$50.00) dollars.
- B. In lieu of arrest and issuance of a summons, a police officer may serve upon a violator an infraction notice which shall be known as a noise ticket. Payment of the fine prescribed by such noise ticket within the limit specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Fines shall be levied in the following amounts:
 1. Initial violation: Twenty-five (\$25.00) dollar fine.
 2. Second violation: Fifty (\$50.00) dollar fine.
 3. Third violation: One hundred (\$ 100.00) dollar fine.

- C. Each day on which a violation occurs or continues to occur shall be considered a separate violation of this ordinance.

§ 17-19. Effective Hours.

The effective hours of this ordinance shall be all hours of the day, subject to the provisions and appropriate time periods set forth herein.

§ 17-20. Variances.

- A. Any person residing or doing business in the City of Ansonia may apply to the Board of Aldermen for a variance from one or more of the provisions of this ordinance for the control of noise, provided that the applicant supplies all the following information to the City Clerk for distribution to the Board of Aldermen at least thirty (30) days prior to the start of the activity:
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 generate.
 4. Any other information required by the Board of Aldermen.
- B. No variance from this ordinance shall be issued unless it has been demonstrated that:
1. The proposed activity will not violate any provision of the Connecticut Department of Environmental Protection Regulations.
 2. The noise levels generated by the proposed activity will not constitute a danger to public health.
 3. Compliance with this ordinance constitutes an unreasonable hardship on the applicant.
- C. The application for variance shall be received and either approved or rejected at a regularly scheduled meeting of the Board of Aldermen. The approval or rejection shall be communicated in writing by the City Clerk to the applicant and shall state the condition of approval, if any, or the reasons for rejection.

§ 17-21. Severability.

If any provision of this ordinance or the application thereof shall be held invalid or unenforceable, the remainder of the ordinance or the application of such terms and provisions to persons or circumstances other than those to which is held invalid or unenforceable shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.

Adopted by the Board of Aldermen
March 13, 2001

Madeline H. Botteone
Town & City Clerk

Approved by the Mayor
March 14, 2001

James T. Della Volpe
Mayor