

## Chapter 135: NOISE

[HISTORY: Adopted by the Town Council of the Town of Farmington 5-27-1969 by Ord. No. 61. Amendments noted where applicable.]

### GENERAL REFERENCES

Alarm systems — See Ch. 75.  
Barking of dogs — See Ch. 78, Art. I.  
Citation hearing procedure — See Ch. 91.

### § 135-1. Legislative findings; purpose.

- A. The making and creation of unreasonably loud, unnecessary or disturbing noises within the limits of the Town of Farmington is a condition which has existed for some time and the extent and volume of such is increasing.
- B. The making, creation or maintenance of such unreasonably loud, unnecessary or disturbing noises affects and is a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of Farmington.
- C. The need for noise regulation is a matter of legislative determination and public policy, and this chapter is adopted in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, peace and quiet of the Town of Farmington and the people therein.
- D. Nothing in any portion of these regulations shall be construed in any manner as authorizing or legalizing the creation or maintenance of a nuisance. Compliance with these regulations is not a bar to a claim of a nuisance by any person. This regulation shall not limit or supercede any zoning approval and/or condition of approval for any such property.

### § 135-2. Unreasonably loud noises prohibited.

No person shall, within the limits of the Town, create or cause to be created any unreasonably loud, unnecessary or disturbing noise. A noise shall be deemed to be unreasonably loud and a violation of this chapter under the following circumstances:

- A. Any sound radiated for continuous or recurrent periods regardless of the source from any premises which produces sound-pressure levels at any point on the property line of said premises in excess of the A scale limits measured in decibels, as found in this ordinance, except all motor vehicles and motorcycles operating within the limits of the Town of Farmington on public and/or private highways, streets, drives, boulevards, lanes and avenues generally open to the public and/or located on private property shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, § 14-80a entitled "Maximum Permissible Noise Levels For Vehicles."
- B. In those individual cases where the background noise levels 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 this chapter shall emit noise in excess of eighty (80) dBA, at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this chapter.

### **§ 135-3. Measurement.**

A. The use of the Property shall determine the scale limits to be applied. If the property use or its intended use cannot be determined the designation on the Current Zoning Map of the Town of Farmington shall apply.

B. The microphone used to measure the loudness of a noise shall be placed at a point on the property line of the emitter closest to the receptor and/or at the property line of any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as condominiums, industrial parks, etc., the microphone shall be placed at a 50 foot distance from the noise source. In all cases the microphone shall be no closer than five feet from any wall and not less than three feet above the ground. Sound pressure levels shall be measured with a sound-level meter having an A-weighted measuring scale.

C. In measuring sound-pressure levels for the purpose of enforcing this ordinance, an allowance of two decibels shall be made.

### **§ 135-4. Definitions.**

When used in this chapter, the terms below shall have the following meanings:

A. Ambient Noise: Noise of a measurable intensity, which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

B. Business Use: Properties where the primary use of the property is business-orientated to include but not limited to, Retail Store, Personal Service Shop, Business Office, Medical Office, Bank, Convenience Store, Fast Food Restaurant, Restaurant, Shop, Studio and Sample Room, Hotel, Motel, Theater, Laundry, News Paper and Print Shop, Radio and Television Broadcasting Studio, Funeral Home, Health Club, Sports facility, Club and Fraternal Organizations, Banquet Hall, Day Care Center, Animal Hospital and the Sale, Service, Storage and repair of Motor Vehicles excluding Auto Body Work. When the Primary use or the intended use of the property cannot be determined, or when the property is vacant, the property designation B1, BR, UC or PR on the current Zoning Map for the Town of Farmington shall apply.

C. Business Zone: Zones B1, Br, UC or PR designated in the current Zoning Regulations and on the current Zoning Map of the Town of Farmington.

D. Chief of Police: The duly appointed Chief of Police of the Town of Farmington or his or her designee.

E. Construction: The assembly, erection, substantial repair, alteration, demolition, or site-preparation for or for public or private right-of-ways, buildings or structures, utilities or property.

F. Construction Equipment: Any equipment or device operated in construction or demolition work.

G. Daytime Hours: The hours between 7:00 a.m. to 9:00 p.m., Monday through Saturday; and the hours between 9:00 a.m. and 8:00 p.m. on Sunday and legal holidays.

H. Decibel: A logarithmic unit of measurement for sound, the symbol for which is dB.

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

J. Emergency: Any occurrence or set of circumstances involving imminent bodily harm or property damage, which requires immediate action.

K.. Emergency Equipment: Equipment on property used to prevent or minimize effects from an emergency and/or condition that may be hazardous, including, but not limited to, snow removal, damaged tree removal, downed power lines and/or excavation to repair broken waterlines, sewer lines and power lines and/or the use of equipment to generate power in the event of power outages.

L. Emergency Vehicle: Any motor vehicle that has a sound warning device, such as sirens and bells, which can lawfully be used when responding to an emergency.

M. 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.

N. Excessive Noise: Any sound, the intensity of which exceeds the standards set forth in this Ordinance.

O. Intrusion Alarm: A device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

P. Industrial Use: Properties where the primary use of the property is industrial. Such uses include, but are not limited to, Laundry, Warehousing, Distribution Center, Bakery, Manufacturing, Fabricating, Processing, and Assembly, Trucking Company, Concrete Batching Operation, Research and Testing Laboratory, Yard For Coal, Lumber, and Building Materials, Wholesaling Establishments. Note: if the use of the property or its intended use cannot be determined or if the property is vacant, the properties designation on the current Planning and Zoning Map CR, C1 and EE for the Town of Farmington shall apply.

Q. Industrial Zone: Zones CR, C1 and EE designated on the current Zoning Regulations and on the Zoning Map of the Town of Farmington.

R. Motor Vehicle: A vehicle as defined in the Connecticut General Statutes § 14-1, as amended, and Motorcycles as defined in the Connecticut General Statutes § 14-1.

S. Nighttime Hours: All the hours not defined as Daytime.

T. Noise Level: A frequency weighted sound pressure level as measured with a sound level meter using the A-weighting Network. The level so read is designated dBA.

U. 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.

V. Premises: Any building, structure, land, or other real property, including all parts thereof and appurtenances thereto owned or controlled by a person.

W. Property Line: The real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from public right-of-way.

X. Property Maintenance Equipment: All powered or manually operated tools and equipment used in the repair and upkeep of property.

Y. Residential Use: Properties where the primary use of the property is for family dwellings and shall include School, Day Camp, Hospital, Nursing Home, Charitable and Philanthropic Institution, Group Day Care Home, Bed and Breakfast Establishment, Public Utility Building and Structure, Country Club, Radio and Television Tower, Communication Facility, Community Building, Farm, Church, College, Library, School. Note: if the use of the property or its intended use cannot be determined or if the property is vacant, the properties designation on the current Zoning Map R80, R40, R30, R20, R12, R12LG, R9, R9LG, RDM, RA and SA for the Town of Farmington shall apply.

Z. Residential Zone: Zones R80, R40, R30, R20, R12, R12LG, R9, R9LG, RDM, RA and SA designated in the current Zoning Regulations and on the Zoning Map of the Town of Farmington.

AA. Safety and Protective Devices: Devices designed to be used, and actually used, for the prevention of the exposure of any person or property to imminent danger, including, but not limited to, unregulated safety relief valves; circuit breakers; protective fuses; back-up alarms required by OSHA or other state or federal safety regulations; horns, whistles or other warning devices associated with pressure buildup.

BB. Sound Pressure Level: 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) micro Pascals, expressed in decibels (dB) units.

#### **§ 135-5. Exemptions.**

The following shall be exempt from the provisions of this chapter:

A. Sounds created by emergency activities or emergency vehicles, sounds giving warning of emergencies or sounds customarily signaling particular time(s) of the day.

B. Sounds created by parades, carnivals and other special public social events, upon a showing of good cause, provided that a permit for such event is obtained at least three days in advance from the Chief of Police.

C. Sounds created by property maintenance equipment on any property, regardless of use or zone of the property, that are used for the purpose of property maintenance. Such equipment must be properly maintained and must be functioning properly. Such equipment may be used only between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. on Sunday. This exemption does not extend to the operation of equipment in a residential use property/zone for uses other than maintenance such as, but not limited to, the repairing of vehicles or any hobby or activity that generates noise over the decibel level allowed for that use or residential zone.

D. Any Safety and protective devices designed to be used, and are actually used, for the prevention of the exposure of any person or property to imminent danger, including, but not limited to, unregulated safety relief valves, circuit breakers, protective fuses, back-up alarms required by OSHA or other state or federal safety regulations, horns, whistles or other warning devices associated with pressure buildup.

E. Sounds created by the use of emergency equipment. Such equipment must be maintained properly and must be functioning properly.

F. Sounds created by the use of intrusion alarms.

#### **§ 135-6. Construction and demolition work.**

Construction or demolition of buildings or structures and the maintenance and construction of streets or highways may be performed only during the hours between 7:00 a.m. and 6:00 p.m. on Mondays through Saturdays, excluding legal holidays. For such work to be performed at any other time, application shall be made to the Chief of Police for a limited special permit, which shall be granted only for good cause shown to exist.

#### **§ 135-7. Vehicle Noise.**

A. All motor vehicles and motorcycles operating within the limits of the Town of Farmington on public and/or private highways, streets, drives, boulevards, lanes and avenues generally open to the public and/or located on private property shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, § 14-80a entitled "Maximum Permissible Noise Levels For Vehicles."

B. No sound amplifying devices on or within a motor vehicle shall emit noise in excess of the noise levels as allowed for the zone where the sound is generated as specified in this Ordinance.

**§ 135-8. Penalties for offenses. [Amended 7-28-1992]**

The violation of any of the provisions of this chapter shall be punished by a fine not to exceed \$100. Each day any such violation shall continue or each act in violation shall constitute a separate offense.

**§ 135-9. Enforcement. [Added 3-28-1995]**

This chapter shall be enforced by citations issued by designated municipal officers or employees. The citation hearing procedure established by Chapter 91 of the Farmington Code shall be followed.

**§ 135-10. A Scale Limits.**

A. The following shall be the A Scale Limits:

Property Use Emitter	Property Use Receptor					
	Residential		Business		Industrial	
Residential	Day 51	Night 46	Day 51	Night 46	Day 51	Night 46
Business	Day 56	Night 51	Day 56	Night 56	Day 56	Night 56
Industrial	Day 61	Night 56	Day 61	Night 56	Day 64	Night 61

B. The microphone used to measure the loudness of a noise shall be placed at a point on the property line of the emitter closest to the receptor and/or at the property line of any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as condominiums, industrial parks, etc., the microphone shall be placed at a 50 foot distance from the noise source. In all cases the microphone shall be no closer than five feet from any wall and not less than three feet above the ground. Sound pressure levels shall be measured with a sound-level meter having an A-weighted measuring scale.

C. The use of the Property shall determine the scale limits to be applied. If the property use or its intended use cannot be determined the designation on the Current Zoning Map of the Town of Farmington shall apply.

D. In Measuring sound-pressure levels for the purpose of enforcing this chapter, an allowance of two decibels shall be made.

E. No sound amplifying devices on or within a motor vehicle shall emit noise in excess of the noise levels as allowed for the property use and/or zone where the sound is generated as specified in this Ordinance.

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