

## CHAPTER 154

### NOISE

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#### § 154-1. TITLE.

The short title of this chapter is “West Haven Noise Control Ordinance”

#### § 154-2. 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 West Haven through the reduction, control and prevention of noise.

§ 154-3. DEFINITIONS.

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

**AMBIENT NOISE or BACKGROUND 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 ninety percent (90%) of the time (L90) in which the measurement is taken.

**CITY COUNCIL** — The City Council of the City of West Haven.

**COMMERCIAL ZONE** — All commercial districts and business districts, including NB, RB, CBD, and CPD as defined in the zoning regulations of the City of West Haven, and all uses associated therewith permitted either as a right or as a special use. "Commercial" shall also include SPD and RCPD design zones.

**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 or air or hydraulic pressure, used in construction or demolition work.

**DAYTIME HOURS** — 7:00 a.m. to 10:00 p.m. local time.

**DECIBEL** — A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (sound-pressure level) is defined as:

$$\text{SPL} = 20 \log \frac{P \text{ in dB}}{P_0}$$

Where  $P_0 = 0.0002$  microbars

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

**DIRECTOR OF HEALTH** — The Director of Health of the City of West Haven.

**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 of West Haven 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.

**HEALTH DEPARTMENT** — The Health Department of the City of West Haven.

**IMPULSE NOISE** — Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

**INDUSTRIAL ZONE** — All industrial districts as defined by the zoning regulations of the City of West Haven, including but not limited to LM and HM Districts.

**MOTOR VEHICLE** — Defined as per Section 14-1 (26) of the Connecticut General Statutes.

**MUFFLER** — A device for abating sounds such as those produced by escaping gases.

**NIGHTTIME HOURS** — 10:01 p.m. to 6:59 a.m. local time.

**NOISE** — Any sound, the intensity of which exceeds the standards set forth in § 154-5B of this chapter.

**NOISE LEVEL** — The sound-pressure level in decibels 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 includes 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** — That 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 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 internal-combustion-engine-powered vehicle which is being used for recreational purposes.

**RESIDENTIAL ZONE** — All city-owned property used for recreational or educational purposes and all residential districts (R1,R2,R3,R4,R5,RPD and RCPD) and any commercial district when used for residential purposes, as defined in the zoning regulations of the City of West Haven and all uses permitted therewith either as a right or as a special use.

**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 air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

**SOUND-LEVEL METER** — 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 — Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter ( $20 \times 10^{-8}$  newtons/meter<sup>2</sup>) and which is expressed in decibels (dB).

§ 154-4 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) 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. It shall be so placed as not to be interfered with by individuals conducting the measurements.

(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/her 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."

§ 154-5. 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	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

(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 industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

(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	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

(4) Noise Zone Classifications shall be based on actual use of any parcel or trust under single ownership as detailed by the Standard Land Use Classification Manual of Connecticut (SLUCONN).

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 such source exceeds the background noise levels by five (5dBA) decibels, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80dBA) decibels 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 (80dB) 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 (100dB) decibels peak sound-pressure level 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, school 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 intrusion alarms not terminating within 10 minutes when attached to a vehicle, or 15 minutes when attached to a building or structure. Repetition of activation of an audible signal 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 defined further:

(1) Noise generated by construction activities during daytime hours, it being the express intention of this provi-

sion to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m.

(2) Noise created as a result of or relating to an emergency.

(3) Noise generated from engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 10 p.m. provided that noise discharged from exhaust is adequately muffled to prevent loud and/or explosive noises therefrom

(4) Noises generated from snow removal equipment at any time shall be exempted provided that such equipment shall be kept 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 day-time 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.; provided that when considered emergency work, demolition shall be exempt at all times from the noise levels set in this regulation.

(6) Noise created by any aircraft flight operations, which are 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 blasting other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 am. 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 local authorities.

(9) Noise created by refuse and solid waste collection,



provided that the activity is conducted during daytime hours.

(10) Sound created by any mobile source of noise. Mobile sources of noise shall include but are not limited to such sources as aircraft, automobiles, trucks and boats. However, notwithstanding this subsection, motor vehicles shall be subject to the standards set forth in § 154-7 hereof.

#### § 154-6 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. Emissions from stationary or idling mobile sources. No mobile source engine shall be allowed to operate for more than three (3) consecutive minutes when the mobile source is not in motion except as follows:

- (i) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
- (ii) When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;
- (iii) To bring the mobile source to the manufacturer's recommended operating temperature;
- (iv) When the outdoor temperature is below twenty (20) degrees Fahrenheit;
- (v) When the mobile source is being repaired.

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 defined by § 154-3 of this chapter or through an apparatus providing equal noise reduction. This section shall also be subject to the prohibitions of §154-5

#### § 154-7. MOTOR VEHICLE NOISE.

A. All motor vehicles operated within the limits of the City of

West Haven shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Sections 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 § 154-5.

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

#### § 154-8. 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 standards set forth in § 154-5B.

#### § 154-9 INSPECTIONS

A. For the purpose of determining compliance with the provisions of this chapter, the Director of Health 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. In the event that any person refuses or restricts entry and free access to any part of a premise or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Director of Health and/or 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. Should any inspection or measurement be required to be taken during hours of the day or night which cause the Health Department to incur expenses for overtime hours paid to any employee and such measurement or inspection indicates a violation of this chapter, the violator shall pay the City of West Haven for such expenses for overtime hours for said employee or employees in addition to any penalty provided for herein.

B. It shall be 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 inspection and order issued by the ap-

propriate court.

C. It shall be 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.

#### § 154-10. VIOLATIONS AND PENALTIES

Any person in violation of any of the provisions of this chapter shall be fined in an amount not to exceed ninety-nine dollars (\$99.). Each day such violation continues shall constitute a separate violation.

#### § 154-11 VARIANCES; APPEALS; ADMINISTRATION

A. Variances.

(1) Any person living or doing business in West Haven may apply to the Director of Health for a variance from one (1) 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 of the following information to the Director of Health:

(a) Location and nature of activity.

(b) The time period and hours of operation of said activity.

(c) The nature and intensity of the noise that will be generated.

(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 Environ-

mental Protection regulations.

(b) The noise levels generated by the proposed activity will not constitute a danger to the public health.

(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, if any, or the reasons for rejection.

(4) Failure to rule on the application within the designated time shall constitute approval of the variance.

(5) Any person aggrieved by the decision of the Director of Health with respect to any variance may appeal to the Board of Health within a period of ten (10) days of the reception of the Health Director's decision.

#### B. REGULATIONS

The Director of Health is herewith authorized to make regulations from time to time, not inconsistent with the State Public Health Code and/or the regulations of the State Department of Environmental Protection regarding noise, which shall, upon approval by the Board of Representatives, become effective therewith.

#### C. CONTRACTS.

Any written agreement, purchase order or contract whereby the City of West Haven 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 provisions of this chapter.

#### D. MEDIATION.

In the event that the Director of Health receives a complaint alleging a violation of this chapter by noise emanating from a construction or demolition activity, he is expressly authorized to seek to mediate such dispute within forty-eight (48) hours, provided that he is satisfied

that the complainant is aggrieved by the alleged violation, that there is reasonable grounds to believe that there is a violation of this chapter, and he determines, in view of the particular factual circumstances, that such mediation may result in a satisfactory resolution of the complaint. Nothing herein is intended to affect or in any way limit any other procedures established elsewhere in this chapter, limit any other powers, granted by the Director of Health or require the Director of Health to invoke the mediation powers herein established.

154-12. EFFECT ON OTHER REGULATIONS.

All provisions of the zoning regulations of the City of West Haven 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 chapter shall be held to make the same unconstitutional, this chapter shall not thereby be invalidated and the remainder of this chapter shall continue in effect. Any provision herein which is in conflict with the CT General Statutes or the Public Health Code of the State of Connecticut is hereby repealed, it being understood that said statutes and code shall take precedence over this chapter.

154-13 ENFORCEMENT.

Notwithstanding anything contained here to the contrary, 154-5E(1) and (5) shall be enforced by the Chief of Police and/or his designated subordinates and/or the Director of Health and/or his designed subordinates.

ENACTED BY THE CITY COUNCIL;

APPROVED BY THE MAYOR:

H. Rich Broy

DATE:

10/19/03

OPERATIVE AND IN EFFECT; Immediately upon Mayor's approval.