

AN ORDINANCE PROVIDING FOR THE REDUCTION AND CONTROL OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE CITY OF WEST HAVEN.

RECEIVED

DEC 13 1984

Dept. of Environmental Protection  
OFFICE OF THE COMMISSIONER

BE IT ORDAINED BY THE CITY OF WEST HAVEN THAT:

Section 1. Short Title: "The City of West Haven Noise Control Ordinance."

Section 2. Purpose: It is recognized that people have a right to and should be assured an environment free from excessive sound and vibration that may jeopardize their health, safety, welfare or degrade the quality of life. This Ordinance 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.

Section 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 3.01 CITY COUNCIL: Shall mean the City Council of the City of West Haven.
- 3.02 BOARD OF HEALTH: Shall mean the Board of Health of the City of West Haven.
- 3.03 COMMERCIAL DISTRICT: Commercial Districts and business districts as defined by the Zoning Resolution of the City of West Haven.
- 3.04 CONSTRUCTION: Shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but shall exclude demolition.
- 3.05 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device used in construction or demolition work.
- 3.06 DAY-TIME HOURS: Shall include the period starting at 8 a.m. and ending at 8 p.m., Monday through Saturday,

and the period starting at 9 a.m. and ending at 8 p.m. on Sundays and Federal and State holidays.

- 3.07 DECIBEL: Shall mean a logarithmic unit of measure used in measuring sound magnitude.
- 3.08 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- 3.09 DIRECTOR OF HEALTH: Shall mean the Director of Health or Principle Officer of the Department of Health of the City of West Haven.
- 3.10 DOMESTIC POWER EQUIPMENT: Shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas.
- 3.11 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or immediate physical trauma or property damage which demands immediate action.
- 3.12 EMERGENCY WORK: Shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to immediate danger.
- 3.13 IMPULSE NOISE: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
- 3.14 INDUSTRIAL DISTRICT: Shall mean all Manufacturing Districts as defined by the Zoning Resolution of the City of West Haven.
- 3.15 MOTOR VEHICLE: Shall be defined as per Section 14-1 (26) of the Connecticut General Statutes.
- 3.16 NIGHT-TIME HOURS: Shall mean any period of time not defined as DAY-TIME hours under this Ordinance.

- 3.17 NOISE: Shall mean any sound, the intensity of which exceeds the standards set forth in Section 5, 6, or 7 of this Ordinance.
- 3.18 NOISE LEVEL: Shall mean the sound pressure level (SPL) in decibels as measured with a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.
- 3.19 PERSON: Shall mean 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.
- 3.20 PREMISES: Shall mean 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.
- 3.21 PROPERTY LINE: Shall mean that real or imaginary line along the ground surface and its vertical extension which a) separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and b) separates real property from the public right-of-way.
- 3.22 PUBLIC RIGHT-OF-WAY: Shall mean any street, avenue, boulevard, highway, sidewalk, ally, park, waterway, railroad, or similar place which is owned or controlled by a governmental entity.
- 3.23 RECREATIONAL VEHICLE: Shall mean any non-registered internal combustion powered vehicle which is being used for recreational purposes.
- 3.24 RESIDENTIAL DISTRICT: Shall mean all city owned property used for recreational or educational purposes, and all Residential Districts and any Commercial District, as defined in the Zoning Resolution of The City of West Haven, when used for Residential purposes.
- 3.25 SOUND: Shall mean 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.

3.26 SOUND LEVEL METER: Shall mean an instrument used to make 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).

3.27 SOUND PRESSURE LEVEL (SPL): Shall mean 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 microneutons per square meter ( $20 \times 10^{-6}$  Newtons/Meter<sup>2</sup>), and is expressed in decibels (dB)

Section 4. Noise Level Measurement Procedures: For the purpose of determining noise levels as set forth in this Ordinance, the following guidelines shall be applicable.

4.1 All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.

4.2 Instruments used to determine sound level measurements shall conform to the definition of sound level meters as defined by this Ordinance.

4.3 The general steps listed below shall be followed when preparing to take sound level measurements.

a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

b) The sound level meter shall be calibrated before and after each set of measurements.

c) 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.

- d) Measurements shall be taken at a point that is located at least 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 and contiguous parcels under the same ownership as indicated by public land records.

Section 5. Noise Levels

5.1 NOISE LEVEL STANDARDS:

- a) No person in a Residential District shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial, or Manufacturing Districts:

Receptor's District

Emitter's District	Manufacturing	Commercial	Residential Day	Residential Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

- b) No person in a Commercial District shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial, or Manufacturing Districts:

Receptor's District

Emitter's District	Manufacturing	Commercial	Residential Day	Residential Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

- c) No person in an Manufacturing District shall emit noise beyond the boundaries of his/hor premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial, or Manufacturing Districts:

Receptor's District

Emitter's District	Manufacturing	Commercial	Residential Day	Residential Night
Manufacturing	70 dBA	66 dBA	61 dBA	51 dBA

5.2 IMPULSE NOISE:

- a) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during nighttime to any residential District.
- b) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at anytime to any zone.

5.3 EXCLUSIONS:

These levels shall not apply to noise emitted by or related to :

- a) Natural phenomena.
- b) Any bell or chime from any building clock, school, or church.
- c) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used, when necessary, in an emergency situation except burglar alarms not terminating within fifteen (15) minutes after being activated.
- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity during day-time hours.

## 5.4 EXEMPTIONS:

The following shall be exempt from these regulations.

- a) Noise generated by any construction equipment which is operated during Day-Time Hours.
- b) Noise created as a result of, or relating to an emergency.
- c) Noise from domestic equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools, snow blowers, or similar devices operated during Day-Time Hours.
- d) Noise from snow removal equipment.
- e) Noise from demolition work conducted during Day-Time Hours.
- f) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- g) 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.
- h) Noise created by blasting shall be exempted provided that the blasting is conducted during Day-Time Hours, or at specified hours previously announced to the local public, and provided that a permit for such blasting has been obtained from local authorities.
- i) Noise created by refuse and solid waste collection, provided that the activity is conducted during Day-Time Hours.

Section 6 Motor Vehicle Noise:

- 6.1 VEHICLE NOISE: 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.

- 6.2 AMPLIFIERS: No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 5.2.
- 6.3 TRUCK IDLING: No person shall operate an engine of any standing motor vehicle for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a city street within or abutting a Residential District.
- 6.4 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 avoid or prevent an accident.
- 6.5 ENFORCEMENT: This section dealing with motor vehicle noise shall be enforced by the Chief of Police and/or his designated subordinates.

Section 7 Recreational Vehicle Noise:

- 7.1 No person shall be allowed to create or cause to be created any unreasonably loud or disturbing noise due to the operation of a non-registered recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this Ordinance when the noise so generated exceeds the noise level standards set forth in section 5.2.

Section 8 Inspections:

- 8.1 For the purpose of determining compliance with the provisions of this Ordinance, the Director of Health or his/her designated representative are 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 premises 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.



8.2 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 appropriate court.

8.3 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.

8.4 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.

#### Section 9 Notification and Penalties:

9.1 NOTICE: The Director of Health shall give notice to any person or entity in violation of this ordinance by personal service or certified mail. No order shall be effective until twenty-four (24) hours after service of said notice. In the event the Director of Health is unable to locate the offending party, he may give notice by publication in any newspaper with circulation in a town of the offending parties last known whereabouts.

9.2 PENALTIES: Any person in violation of any of the provisions of this Ordinance shall be fined in an amount not to exceed twenty-five (\$25) dollars for the first day. If such violation continues after the time for correction of the violation has been given in an order, it shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed one hundred (\$100) dollars per day.

#### Section 10 Variance and Contracts

10.1 Variances:

a) Any person living or doing business in West Haven may apply to the Director of Health for a Variance from one or more of the provisions of this Ordinance,

which are more stringent than the Connecticut Department of Environmental Protection Regulations for the control of noise. The applicant must supply all of the following information to the Director of Health:

- 1) Location and nature of the activity emitting noise.
- 2) The time period and hours of operation of said 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 Connecticut 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 forty-five (45) 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.

d) Failure to rule on the application in the designated time shall constitute approval of the variance.

10.2 Any person aggrieved by the decision of the Director of Health with respect to any variance may appeal to the Health Commission within a period of ten (10) days of the receipt of the Decision of The Health Director and thereafter may appeal to any court of competent jurisdiction.

10.3 The Director of Health is herewith authorized to make regulations from time to time, consistent 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 City Council, become effective therewith.

10.4 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 Ordinance will be operated, constructed, conducted or manufactured without violating the provisions of this Ordinance.

Section 11. Severability

All provisions of the Zoning Resolution 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 Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut are hereby repealed, it being understood that said Statutes and Code shall take precedence over this Ordinance.

ENACTED BY THE CITY COUNCIL: December 10, 1984

APPROVED BY THE MAYOR *Lawrence C. Mercurino* DATE 12-11-84

OPERATIVE AND IN EFFECT: Thirty (30) days from above date of Mayor's approval.