

AMENDING ORDINANCE NO. 483 SUPPLEMENTAL CONCERNING
THE REDUCTION AND CONTROL OF NOISE

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

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

Section 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 Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Stamford through the reduction, control, and prevention of noise.

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

3.1 AMBIENT NOISE OR BACKGROUND NOISE: Shall mean 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.

3.2 BOARD OF REPRESENTATIVES: Shall mean the Board of Representatives of the City of Stamford.

3.3 DIRECTOR OF HEALTH: Shall mean the Director of Health of the City of Stamford.

3.29 HEALTH COMMISSION: Shall mean the Health Commission of the City of Stamford.

3.30 COMMERCIAL ZONE: Shall mean all Commercial Districts and Business Districts including CCS, CN, CL, CD, CG, CS, CI, CNN, as defined in the Zoning Regulations of the City of Stamford and all uses associated therewith either permitted as a right or as a special use. Commercial shall also include BD and BC design zones.

3.4 CONSTRUCTION: Shall mean 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.

3.5 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power or air or hydraulic pressure used in construction or demolition work.

3.6 DAY-TIME HOURS: Shall mean the hours between 8 a.m. and 8 p.m. Monday through Saturday, and the hours of 10 a.m. through 8 p.m. Sundays and Federal and State holidays.

3.7 DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (Sound Pressure Level) is defined as: $SPL = 20 \log P$ in dB where $P_0 = 0.0002$ microns

3.8 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

3.9 DOMESTIC POWER EQUIPMENT: Shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

3.10 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

3.11 EMERGENCY VEHICLE: Shall mean any motor vehicle authorized by the City of Stamford to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

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 imminent 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 ZONE: Shall mean all Industrial Districts as defined by the Zoning Regulations of the City of Stamford including, but not limited to, ML, MD, MG, and IPD Districts.

3.15 MOTOR VEHICLE: Shall be defined as per Section 14-1 (26) of the Connecticut General Statutes.

3.16 MUFFLER: Shall mean a device for abating sounds such as those produced by escaping gases.

3.17 NIGHT-TIME HOURS: Shall mean the hours between 8 p.m. and 8 a.m. Sunday evening through Saturday morning, except Saturday night shall mean the hours between 8 p.m. Saturday and 10 a.m. Sundays and Federal and State Holidays.

3.18 NOISE: Shall mean any sound, the intensity of which, exceeds the standards set forth in Section 5.2 of this Ordinance.

3.19 NOISE LEVEL: Shall mean 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.

3.20 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.

3.21 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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.

3.22 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.

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

3.24 RECREATIONAL VEHICLE: Shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

3.25 RESIDENTIAL ZONE: Shall mean all city owned property used for recreational or educational purposes, and all Residential Districts, RA2, RA1, R20, R10, R7-1/2, R5, R2, RMF and any Commercial District when used for Residential purposes, as defined in the Zoning Regulations of the City of Stamford and all uses permitted therewith either as a right or as a special use.

3.26 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.

3.27 SOUND LEVEL METERS: Shall mean 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).

3.28 SOUND PRESSURE LEVEL: 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 microwatts per square meter (20×10^{-4} Newtons/meter²), 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 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) 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.

d) 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.

e) Measurements shall be taken at a point that is located about one 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.

4.4 The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled Connecticut Noise Survey Data Form #101.

Section 5. Noise Levels

5.1 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.

5.2 NOISE LEVEL STANDARDS:

a) 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.

Receptor's Zone

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

b) 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:

Receptor's Zone

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

c) 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.

Receptor's Zone

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

5.3 HIGH BACKGROUND NOISE LEVELS AND IMPULSE NOISE:

a) 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 5 dBA, provided that no source subject to the provisions of this ordinance 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 Ordinance.

b) 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.

c) 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.

5. 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 in an emergency situation provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.
- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity.

5.5 EXEMPTIONS AND SPECIAL CONDITIONS:

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

a) Noise generated by construction activities during Day-Time Hours. It being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7 a.m. Monday through Friday, 8 a.m. Saturday and 10 a.m. Sunday.

b) Noise created as a result of, or relating to an emergency.

c) Noise from domestic power equipment such as, but not limited to power saws, sanders, grinders, lawn and garden tools, or similar devices operated during Day-Time Hours.

d) Noise from snow removal equipment.

e) 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 a.m. Monday through Friday, 8 a.m. Saturday and 10 a.m. Sunday; provided that when considered emergency work, demolition shall be exempt at all times from the noise levels set in this regulation.

f) Noise created by any aircraft flight operations which are specifically pre-empted 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 other than that conducted in connection with construction activities shall be exempt 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 local authorities.

i) Noise created by refuse and solid waste collection, provided that the activity is conducted during Day-Time Hours.

j) 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 Section 7 hereof.

Section 6. Prohibited Noise Activities The following activities are prohibited

6.1 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.

6.2 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 (10) minutes when such vehicle is parked on a residential premise or on a city street next to a residential premise

6.3 EXHAUST DISCHARGE: No person shall discharge into the ambient air the blow-down of any steam vent or the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler as defined by Section 3.16 of this Ordinance or through an apparatus providing equal noise reduction.

Section 7. Motor Vehicle Noise:

7.1 All motor vehicles operated within the limits of the City of Stamford shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Sections 14-80n-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies

7.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 5.2

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

Section 8. Recreational Vehicle Noise:

8.1 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 Ordinance when the noise so generated exceeds the noise level standards set forth in Section 5.2.

Section 9. Inspections:

9.1 For the purpose of determining compliance with the provisions of this ordinance, the Director of Health or his 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 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 ordinance, the violator shall pay the City of Stamford for such expenses for overtime hours for said employee or employees in addition to any penalty provided for herein.

9.2 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

9.3 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.

9.4 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 10. Penalties:

10.1 Any person in violation of any of the provisions of this Ordinance shall be fined in an amount not to exceed \$99. Each day such violation continues shall constitute a separate violation.

Section 11. Variance, Contracts and Mediation:

11.1 Variances:

a) Any person living or doing business in Stamford may apply to the Director of Health for a variance from one or more of the provisions of the Ordinance, which are more stringent than the Connecticut Department of Environmental regulations for the control of noise, provided that the applicant supplies all of the following information to the Director of Health.

- 1) Location and nature of activity.
- 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 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.

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

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

11.12 The Director of Health is herewith authorized to make regulations from time to time not inconsistent with the State Public Health Code and/or

ORDINANCE NO. 548 SUPPLEMENTAL (CONTINUED)
AMENDING ORDINANCE NO. 483 SUPPLEMENTAL
CONCERNING THE REDUCTION AND CONTROL
OF NOISE.

PAGE 3

11.2 Contracts:

Any written agreement, purchase order or contract whereby the City of Stamford 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.

11.3 Mediation:

In the event that the Director of Health receives a complaint alleging a violation of this ordinance 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 ordinance; 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 ordinance, limit any other powers granted to the Director of Health or require the Director of Health to invoke the mediation powers herein established.

Section 12 Severability

All provisions of the Zoning Regulations of the City of Stamford 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.

Section 13. Notwithstanding anything contained herein to the contrary, Sections 5.5a and 5.5e shall be enforced by the Chief of Police and/or his designated subordinates and/or the Director of Health and/or his designated subordinates.

This ordinance shall take effect upon its enactment.

SANDRA GOLDSTEIN, President, and ANNIE M. SUMMERVILLE, Clerk, do hereby certify that the foregoing ordinance was approved on the Consent Agenda with two no votes by the 18th Board of Representatives at their regular monthly meeting held on Monday, April 1, 1985.

APPROVED:

Dated this _____ day of April, 1985.

Sandra Goldstein, President

Thom Serrani, Mayor
City of Stamford, Connecticut

Annie M. Summerville, Clerk

Dated this _____ day of April, 1985.

EFFECTIVE DATE: _____
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