

## **BOROUGH OF NAUGATUCK**

BE IT ORDAINED, by the Board of Mayor and Burgesses, in a meeting duly assembled on February 7, 2017, that **Section 13-6 – Noise** is repealed and a new **Section 13-6 – Reserved** is created. **Ordinance #129 – Noise Ordinance** is adopted hereby creating a new **Article V, Noise, §§ 13-75 – 13-85 in Chapter 13, Offenses and Miscellaneous Provisions** of the Code of Ordinances of the Borough of Naugatuck, Connecticut:

### **ORDINANCE # 129**

Chapter 13, Offenses and Miscellaneous Provisions, Article V, Noise, §§ 13-75 – 13-84 of the Code of Ordinances of the Borough of Naugatuck, Connecticut is hereby to read as follows:

#### **Sec. 13-75. Purpose.**

The purpose of this section is to carry out and effectuate the public policy of the State of Connecticut, the Federal Government, and the Borough of Naugatuck concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the Borough of Naugatuck. This ordinance is to protect the safety, health and general welfare of all its citizens as the people have a right to and should be ensured an environment free from excessive noise which may jeopardize their general welfare and quality of life.

#### **Sec. 13-76. Definitions.**

1. Residential Zone. Single family residence zones and multifamily residence zones, as defined by the zoning regulations of the Borough of Naugatuck, and all uses associated therewith, either permitted as of right or as specially excepted uses.
2. Commercial Zone. General commercial zones, light commercial zones, neighborhood commercial zones, all as defined in the zoning regulations of the Borough of Naugatuck, and all uses associated therewith, either permitted as of right or as specially excepted uses.
3. Industrial Zone. Industrial district, as defined by the zoning regulations of the Borough of Naugatuck.
4. Impulse Noise. Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.
5. Daytime hours. Hours between 7:00 AM to 9:00 PM, Monday through Saturday, and the hours of 9:00 AM to 9:00 PM on Sundays.
6. Nighttime hours: All other hours not listed above are nighttime hours.
7. Decibel. A logarithmic unit of measurement used in measuring the magnitude of sound. The symbol is dB.
8. Motor Vehicle. Defined as per section 14-1 of the Connecticut General Statutes.
9. Noise. Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in Section 13-82 of this ordinance.
10. 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. A-weighted decibels, abbreviated dBA, or dBa, or dB(a), are an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency.

11. Person. Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency, or administrative subdivision of the state or other legal entity of any kind.
12. Premises. 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.
13. 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.
14. 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.
15. Sound Level Meter. An instrument 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.
16. Domestic Power Equipment. Equipment including, but not limited to, power saws, snow removal equipment, vacuums, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a possessor of land.
17. Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of private rights of way, structures, utilities or similar property.
18. Emergency Work. Any 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.
19. Muffler. A device for abating sounds such as escaping gases.

**Sec. 13-77. General Prohibition.**

It shall be unlawful for any person within the Borough of Naugatuck to emit or cause any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

**Sec. 13-78. Exemptions.**

The following shall be exempt from these regulations.

1. Construction equipment which is operated during daytime hours and has all proper permits/licenses/authorization from the appropriate office at the Borough of Naugatuck or State of Connecticut;
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 in daytime hours;
4. Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled;
5. Noise created by any religious, governmental, educational or recreational activities permitted by law or for which a lease, license, or permit has been granted by the Borough, including but not limited to outdoor evangelistic meetings, parades, sporting events, concerts, and fireworks displays;

6. Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electric power, 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.
7. Natural noise, without amplification, made by humans is not considered a violation, unless it is made to intentionally interfere with another person's enjoyment of property.

**Sec. 13-79. Motor Vehicle Noise.**

1. All motor and recreational vehicles operated within the limits of the Borough of Naugatuck shall be subject to noise standards and decibel levels as found in C.G.S. Title 14, § 14-80a.
2. No motor or recreational vehicle shall emit noise in excess of the noise levels as specified in Section 13-82 of this ordinance.

**Sec. 13-80. Enforcement.**

1. The Naugatuck Police Department shall be responsible for investigating complaints of noise violations.
2. Any person aggrieved by an act constituting a violation of this chapter may complain to the police department who shall enforce this chapter.
3. The police are also authorized to enforce this chapter without any such complaint.

**Sec. 13-81. Inspections and Sound Measuring Procedures.**

For the purpose of determining compliance with the provisions of this chapter, the following guidelines shall be applicable:

1. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
2. Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this ordinance.
3. The general steps listed below shall be followed when preparing to take sound level measurements:
  - a. The instrument manufacturer's 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 feet above the ground.
  - d. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
4. In the absence of a sound level meter, noise will be plainly audible when noise can be heard at a distance of one hundred (100) feet from its source, by a person of normal hearing.

**Sec. 13-82. Noise Levels.**

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- 62 dBA
  - Receptor's Zone- Commercial- 55 dBA
  - Receptor's Zone- Residential/day- 55 dBA
  - Receptor's Zone- Residential/night- 45 dBA
2. No person in a commercial 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: Commercial
  - Receptor's Zone: Industrial- 62dBA
  - Receptor's Zone- Commercial- 62 dBA
  - Receptor's Zone- Residential/day- 55 dBA
  - Receptor's Zone- Residential/night- 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: Industrial
  - Receptor's Zone: Industrial- 70dBA
  - Receptor's Zone- Commercial- 66 dBA
  - Receptor's Zone- Residential/day- 61 dBA
  - Receptor's Zone- Residential/night- 51 dBA
4. In the absence of a sound level meter, any noise plainly audible pursuant to subsection 13-81(4) of this Chapter constitutes prima facie evidence of a violation of this section.

**Sec. 13-83. Waiver.**

Any person can apply to the Naugatuck Police Department for a temporary waiver of Section 13-82 of this Ordinance, which can be found on the NPD website [www.naugatuckpd.org](http://www.naugatuckpd.org). All waiver applications must be posted by the applicant in the Town Clerk's office located on the 2<sup>nd</sup> floor at 229 Church Street, Naugatuck, Connecticut at least seventy-two (72) hours prior to the event.

**Sec. 13-84. Enforcement and Penalties.**

1. No person shall violate or cause the violation of the provisions of this chapter.
2. Any person in violation of the provisions of this chapter shall be fined \$100.00 for the initial violation.
3. For each initial violation, a \$100.00 fine will be imposed. For a subsequent violation at the same premises, a \$250.00 fine will be imposed.

Nancy K. DiMeo, Borough Clerk

Adopted February 7, 2017