

CITY OF TORRINGTON

NOISE ORDINANCE

Chapter 145 – NOISE

§ 145-1. – Policy

The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises affects and is detrimental to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of Torrington and this ordinance 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 Torrington and the people therein.

§ 145-2. – Definitions

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

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 ninety (90%) percent of the time (L90) in which the measurement is taken.

Chief of police shall mean the chief of police of the Town of Torrington or a duly authorized officer subject to his/her orders.

Commercial zone shall mean all commercial and business zones, as defined in the zoning regulations of the Town of Torrington. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

Construction means any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling and paving.

Construction equipment shall mean any equipment or device operated by fuel or electric power, used in construction or demolition work.

Day shall mean the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol of which is **dB**.

Demolition shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Domestic power equipment shall mean, but not be limited to, power saws, drills, power mowers, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma to persons or property damage, which demands immediate action.

Emergency vehicle shall mean any motor vehicle authorized by law to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

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.

Impulse noise shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone shall mean all industrial zones, as defined in the zoning regulations of the Town of Torrington. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

Loud amplification device or similar equipment shall include, but not be limited to, a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such manner that it creates noise.

Motor vehicle shall be defined in accordance with Sec. 14-1(59) of the CT General Statutes.

Muffler shall mean a device for abating sounds such as escaping gases.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in this ordinance, or that is plainly audible at a distance of one hundred (100) feet from its source.

Night shall mean the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except, that Night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise level shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

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.

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, Corporation, LLC or other business organization. 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 shall mean that real or imaginary line along the ground surface and its vertical extension which:

- 1) Separates real property owned or controlled by any Person or business organization from contiguous real Property owned or controlled by another Person or business organization; and
- 2) Separates real property from the public right-of-way.

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.

Recreational vehicle shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

Residential zone shall mean all residential zones, including public property and cemeteries, as defined in the zoning regulations of the Town of Torrington. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

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.

Sound level meter shall mean an instrument used to take sound level measurements and which shall conform, as a minimum, to the operation specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 (Type S2A).

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 (20) micronewtons per square meter (20×10^{-6} Newtons/meter²), and is expressed in decibels (dB).

§ 145-3. – Noise Level Measurement Procedures

For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable:

- 1) Where and when a sound level meter is used:
 - a. All personnel conducting sound measurements shall be trained, including but not limited to training 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 ordinance;
 - 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/its individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
- 2) 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 with normal hearing.

§ 145-4. – 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: Residential

Receptor's zone-Maximum level:

Industrial.....62 dBA

Commercial.....55 dBA

Residential/day.....55 dBA

Residential/night.....45dBA
 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 – Maximum level:

Industrial62 dBA

Commercial62 dBA

Residential/day55 dBA

Residential/night45 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 – Maximum level:

Industrial 70 dBA

Commercial66 dBA

Residential/day61 dBA

Residential/night.....51 dBA

4. Any property use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

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 (5) dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of eighty (80) dBA at any time, and provided that this section, does not decrease the permissible levels of other sections of this ordinance.
2. No Person shall cause or allow the emission of impulse noise in excess of eighty (80) dB 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 (100) dB peak sound pressure level at any time to 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 burglar alarms on motor vehicles not terminating within ten (10) minutes or on buildings not terminating within thirty (30) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded;
4. Warning devices required by OSHA or other state or federal safety regulations;
5. Farming equipment or farming activity.

e) Exemptions: The following shall be exempt from these regulations, subject to special conditions as spelled out:

1. Noise generated by any construction equipment which is operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays.
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 between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, and between the hours of 9:00 a.m. and 8:00 p.m. on Sundays, provided that noise discharge from exhaust is adequately muffled;
4. Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled;

5. Noise from demolition work conducted between the hours of 8:00 a.m. and 6:00 p.m., provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation;
6. Noise created by any aircraft flight operations that are specifically preempted by the Federal Aviation Administration;
7. Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the town, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays;
8. Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions;
9. Noise created by products undergoing tests, where one (1) of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken;
10. Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical 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.

§ 145-5. – Prohibited Noise Activities

The following activities are prohibited:

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 injury or a traffic accident;
2. *Advertising.* No person shall at any time use any drum, bell or other instrument or device for the purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise.
3. *Motor and recreational vehicle noise.* All motor and recreational vehicles operated within the limits of the Town of Torrington shall be subject to the noise standards and decibel levels as found in CT general statutes, Title 14, Sec. 14-80a which may be amended from time to time.

§ 145-6. – Inspections

- a) For the purpose of determining compliance with the provisions of this ordinance, the chief of police or his/her 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 Premises, or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the chief of police or his/her designated representative may seek from the appropriate court a search warrant, without interference restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

- b) It shall be unlawful for any Person to refuse to allow or permit the chief of police or his/her designated representative free access to any Premises, when the chief of police or his/her designated representative is acting in compliance with a warrant for inspection or order issued by the appropriate 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 ordinance.

§ 145-7. – Enforcement

- a) This ordinance shall be enforced by the Torrington Police Department which may act with or without a complaint.

§ 145-8. – Variances

- a) Any person living or doing business in Torrington may apply to the Chief of Police for a variance from any provision of this ordinance which is 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 Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:
 - 1. The location and nature of the activity.
 - 2. The time period and hours of operation of said activity.
 - 3. The nature and intensity of the noise that will be generated.
- b) No variance from this ordinance shall be granted unless it has been demonstrated that:
 - 1. The proposed activity will not violate any provisions of the Connecticut Department of Energy and 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 this ordinance constitutes an unreasonable hardship on the applicant.
- c) The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- d) Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 145-9. – Penalties

The violation of any of the provisions of this ordinance 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.

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Elinor Carbone
Mayor

Carol L. Anderson, MMC
City Clerk