

**AN ORDINANCE PROVIDING FOR THE REDUCTION AND ELIMINATION 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 BRIDGEPORT, CONN.**

**ARTICLE I.**

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

**Section 21-** 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 Bridgeport through the reduction, control and prevention of noise.

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**Section 21-36** Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 1) **AMBIENT NOISE OR BACKGROUND:** Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
- 2) **COMMON COUNCIL:** Shall mean the Common Council of the City of Bridgeport.
- 3) **COMMERCIAL ZONE:** Shall mean any Business Zone including Business Zones Nos. 1, 2, 3 and 4 as defined in the Zoning Regulations of the City of Bridgeport.
- 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.
- 5) **CONSTRUCTION EQUIPMENT:** Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 6) **DAY-TIME HOURS:** Shall mean the hours between 7:00 a. m. and 10:00 p. m. Monday through Saturday, and the hours between 9:00 a. m. through 10:00 p. m. on Sundays.
- 7) **DECIBEL:** Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is DB.
- 8) **DEMOLITION:** Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surface or similar property.

- 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.
- 10 **EMERGENCY:** Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 11 **EMERGENCY VEHICLE:** Shall mean any motor vehicle authorized by the City of Bridgeport to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- 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.
- 13 **IMPULSE NOISE:** Shall mean sound of short duration (generally less than one second) with an abrupt onset and rapid decay.
- 14 **INDUSTRIAL ZONE:** Shall mean any Industrial Zone including Light Industrial and Heavy Industrial as defined in the Zoning Regulations of the City of Bridgeport.
- 15 **MOTOR VEHICLE:** Shall be defined as per Section 14-1(26) of the Connecticut General Statutes (Revision of 1958 as amended).
- 16 **MUFFLER:** Shall mean a device for abating sounds such as escaping gases.
- 17 **NIGHT-TIME HOURS:** Shall mean the hours between 10:00 p. m. and 7:00 a. m. Monday through Saturday and 10:00 p. m. to 9:00 a. m. Saturday evening through Sunday morning.
- 18 **NOISE:** Shall mean any sound, the intensity of which exceeds the standards set forth in Section 5.2 of this Ordinance.
- 19 **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.
- 20 **PERSON:** Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative sub-division of the State or other legal entity of any kind.
- 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 publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.

- 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 another person, and (b) separates real property from the public right-of-way.
- 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.
- 24 **RECREATIONAL VEHICLE:** Shall mean any non-registered/<sup>internal</sup> combustion engine powered vehicle which is being used for recreational purposes.
- 25 **RESIDENTIAL ZONE:** Shall mean any Residence Zone including Residence Zones AA, A, B, BB, C, Garden Apartment Zone or Residence Apartment Zone, and any commercial zone when used for residential purposes, as defined in the Zoning Regulations of the City of Bridgeport and all uses permitted therewith either as a right or as a special use.
- 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 the air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.
- 27 **SOUND LEVEL METER:** 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 S 1.4--1971 (Type S2A).
- 28 **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 micronewtons per square meter ( $20 \times 10^{-6}$  Newton/meter<sup>2</sup>), and is expressed in decibels (dB).
- 29 **VIBRATION:** means an oscillatory motion of sound bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

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**Noise Level Measurement Procedures:** For the purpose of determining noise levels as set forth in this Ordinance, 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 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 about one foot beyond the boundary of the emitter's premises within the noise receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

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Noise Levels

- 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.

2 NOISE LEVEL STANDARDS

Receptor's Zone

<u>Emitter's Zone</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Residential	62 dBA	55 dBA	55 dBA	45 dBA
Commercial	62 dBA	62 dBA	55 dBA	45 dBA
Industrial	70 dSA	66 dBA	61 dBA	51 dBA

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.

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#### 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, schools 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 thirty (30) 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 operated within an area used for strictly farming.

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#### EXEMPTIONS

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

- a) Noise created as a result of, or relating to an emergency.
- b) 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.
- c) Noise from snow removal equipment operated by the City.
- d) Noise created by an aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

- e) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts and firework displays.
- f) Noise created by refuse and solid waste collection provided that the activity is conducted during Day-Time Hours.
- g) Noise generated by any construction equipment which is operated during day-time hours, provided that operation of construction equipment during night-time hours shall not exceed the maximum noise levels as specified in Section 5.2.

## PROHIBITED NOISE ACTIVITIES

Sec. 21-39, 1

### GENERAL PROHIBITION

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others (Rev. Ords. 1959, 45-1)

### .2 ENUMERATION OF PROHIBITED ACTS

Each of the following acts, among others, is declared unlawful and is prohibited; but this enumeration shall not be deemed to be exclusive:

- a) **BLOWING HORNS, Etc.** The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- b) **RADIOS, PHONOGRAPHS, ETC.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 p. m. and 7:00 a. m., as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- c) **SHOUTING, SINGING, ETC.** Yelling, shouting, hobting, whistling or singing on the public street, particularly between the hours of 10:00 p. m. and 7:00 a. m., or at any time or place so as to annoy or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

- d) **ANIMALS.** The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any person in the vicinity.
- e) **STEAM WHISTLES.**<sup>1</sup> The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- f) **EXHAUST DISCHARGE.**<sup>2</sup> The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- g) **BUILDING OPERATIONS.** The erection (including excavating), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of 7:00 a. m. and 6:00 p. m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the board of building commissioners, which permit may be granted for a period not to exceed three (3) days while the emergency continues.
- h) **LOADING AND UNLOADING OPERATIONS.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- i) **TRUCK IDLING.**<sup>3</sup> 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 premises or on a City road next to a residential premises.

Motor Vehicle Noise

- 1 All motor vehicles operated within the limits of the City of Bridgeport, shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a.
- 2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in Sec. 5.2.
- 3 This section dealing with motor vehicle noise shall be enforced by the Superintendent of Police and/or his designated subordinates.

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Recreational Vehicle Noise

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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 standard set forth in Section 5.2.

### INSPECTIONS

- Sec. 21-42
- 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 premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Director of Health or his 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.
  - 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 the inspection and order issued by the appropriate court.
  - 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.
  - 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 . Penalties

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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. Each day such violation continues after the time for correction of the violation has been given in an order, 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 Variance and Contracts

21-44

- 1 Variances
  - a) Any person living or doing business in Bridgeport may apply to the

Department of Health for a variance from one or more the of provisions of the Ordinance, which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all the following information to the Director of Health:

- 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, 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 days of receipt by the Director of Health. The approval or rejection shall be in writing and shall state the condition(s) of approval of the variance.
- d) Failure to rule on the application in the designated time shall constitute approval of the variance.
2. RECOURSE Any person aggrieved by the decision of the Director of Health with respect to any variances, may appeal in accordance with the Charter to the Environmental Review Board within a period of fourteen (14) days of receipt of the Health Director's decision.
3. CONTRACTS Any written agreement, purchase order or contract whereby the City of Bridgeport 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 provision of this Ordinance.

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SEVERABILITY All provisions of the Zoning Regulations of the City of Bridgeport 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:

Effective Date:

9/15/84

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