

~AD HOC REPORT~
Noise Ordinance Change to Chapter 12 Section 12-14
Monday, February 22, 2016

(14)

Chairman Christopher Arconti called the meeting to order at 6:05 p.m. on Monday, February 22, 2016, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee Members Joe Cavo and Fred Visconti. Also present were Ex-Officio Members Paul Rotello, Gregg Seabury, and Chief Philip Curran, Mayor Mark Boughton, Police Chief Alan Baker, Mayor's Office Chief of Staff Dean Esposito, Deputy Corporation Counsel Les Pinter, UNIT Coordinator Shawn Stillman, Office of Neighborhood Assistance, and Members of the Public.

Mr. Arconti stated the purpose of the meeting is to discuss the Noise Ordinance amendment to Section 12-14.

As the Petitioner, Mr. Boughton discussed the issue of managing loud noise with an Ordinance that required use of a decibel meter and the problems that ensued. He cited several examples and stated he has had discussions with the Chief of Police and the Deputy Corporation Counsel, the results of which are presented tonight. One of the changes removes the need for the decibel meter with the new standard being, 'plainly audible.' Another new element is the ability to appoint Noise Control Officers.

Mr. Pinter reviewed the 'plainly audible' standard which has been found to be fair and legally enforceable. The decibel meter can still be used when needed. Other notable points are noise from commercial truck activity, car radios, boom boxes, business or performance, with exemptions for activities authorized by State, Federal or local government law or regulation. Penalties are tiered starting at \$25 for the first infraction, \$50 for the second, and to \$75 for the third. Upon discussion of the increase in time between each infraction, Mr. Baker commented that after multiple infractions on the same day, the Police may elevate to disorderly conduct or breach of the peace.

It was noted weekends are the most problematic time and a few part timers may be needed for enforcement.

Mr. Pinter noted an exemption for firing ranges under specific conditions. Sporting activities during the day would likely be covered in the Exemption Section as permitted or sanctioned by the City. Mr. Boughton commented on school activities as well. Noise from idling, revving cars and motorcycles were discussed. Exemptions for emergency situations, such as generator use were brought up and it was noted the Exclusions Section, Item 5. would take care of that, but the use of generators could be specifically added.

Mr. Pinter responded to comments regarding a cafe that continually plays their music loudly noting the Police can deal with them via public nuisance, etc. He also concurred that 'generators' could be added to Section F Exclusions Section, Item 8.

A motion was made by Councilman Cavo, and seconded by Councilman Visconti, to recommend that the City Council adopt the amended Code of Ordinance Section Section 12-14 Regulation of Noise to include the section on generators as discussed during the Committee meeting, and refer to a Public Hearing. The motion passed unanimously

A motion was made by Councilman Cavo, and seconded by Councilman Viscontii, that the Ad Hoc Committee be adjourned. The motion passed unanimously at 6:45 p.m.

Respectfully Submitted,

Christopher Arconti, Chairman
Joe Cavo
Fred Visconti



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2016

Be it ordained by the City Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut, Section 12-14 is hereby amended to read as follows:

Sec. 12-14. Regulation of Noise.

(a) *Statement of 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 City of Danbury concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the city limits of the City of Danbury. A second purpose 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.

(b) *Enforcement.* In recognition of the rights of free peoples to perform their daily activities without undue governmental interference, enforcement of this section shall be in accordance with specified guidelines indicated and delineated in paragraph (e) herein.

(c) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:

- (1) *Residential zone.* Single family residence zones and multifamily residence zones, as defined by the zoning regulations of the City of Danbury, 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 City of Danbury, 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 City of Danbury.
- (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 8:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours 10:00 a.m. through 8:00 p.m. on Sundays and holidays.
- (6) *Nighttime hours.* The hours between 8:00 p.m. and 8:00 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 8:00 p.m. Saturday and 10:00 a.m. on Sunday and 8:00 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.
- (7) *Decibel.* A logarithmic unit of measurement used in measuring magnitudes of sound. The symbol is dB.
- (8) *Motor vehicle.* Defined as per section 14-1(47) of the Connecticut General Statutes.

- (9) *Noise*. Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in paragraph (e) of this section measured either by a sound level meter or by a plainly audible standard as set forth herein.
- (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.
- (11) *Noise Control Officer*. As authorized by CGS 22-73(b)(2), and in addition to the Danbury Police Department, a municipal official(s) within the unit or such other department as designated by the Mayor, the official charged with day to day monitoring and enforcement of noise.
- (12) *Person*. Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency or administrative subdivision of the state or other legal entity of any kind.
- (13) *Plainly audible*. A standard for measurement of noise that means any sound measured without meters and that can be detected by a person using their unaided hearing faculties and measured by standards that are objective, specific and easily understood.
- (14) *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.
- (15) *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.
- (16) *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.
- (17) *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.
- (18) *Domestic power equipment*. Equipment including, but not limited to, power saws, snow removal equipment, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- (19) *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.
- (20) *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.
- (21) *Muffler*. A device for abating sounds such as escaping gases.

(d) *General prohibitions.* It shall be unlawful for any person within the City of Danbury to make, continue or cause to be made or continued any loud, unnecessary, unusual or excessive noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city as provided in paragraph (e) herein.

Plainly audible standards. All restrictions or prohibitions herein except for subsection (8) hereof may be enforced by sound level meter or by determination made pursuant to the "plainly audible" standards established by law and by this ordinance.

Specific prohibitions. The following, not inconsistent with state law, are acts specifically prohibited under this paragraph (d):

- (1) Commercial activity. Commercial construction, commercial truck activity, demolition, excavation and building operations before 7:00 a.m. Monday through Friday, before 8:00 a.m. Saturday, before 10:00 a.m. Sunday, and after 8:00 p.m. any day.
- (2) Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle excluding the Standards set forth in subsection (e) hereof, unless it is necessary as a warning to prevent or avoid a traffic accident.
- (3) Sensitive areas.

The creation within the city of any excessive noise, excluding the Standards set forth in subsection (e) hereof, in the vicinity of any school, institution of learning, church, court, hospital or nursing home while the same is in use which impacts the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed at or near such building indicating that the same is a school, institution of learning, church, court, hospital or nursing home.

- (4) Loud Vehicle Noise.
Loud or raucous noise from devices or equipment and specifically including plainly audible sounds emanating from motor vehicles, other vehicles, whether stationary or moving.

- (5) Amplification (Private)
Personal or commercial music amplification or reproduction equipment operated in a manner on or from any property at a distance of fifty (50) feet in any direction from the operator during the daytime or nighttime hours specified in this ordinance.

- (6) Amplification (Public)
Self contained portable, hand-held music or sound amplification or reproduction equipment operated in or on a public space or public right-of-way in such a manner at a distance of fifty (50) feet in any direction from the operator during the daytime or nighttime hours specified in this ordinance.

- (7) Business or performance noise.
No person shall operate or use or cause to be operated any sound production device, for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, in connection with any commercial business

enterprise: (i) outside or in front of any such building, place or premises, abutting on or adjacent to any street, park or public space; (ii) in or upon any vehicle operated, standing or being in or on any public street, park or place; (iii) from any stand, platform or other; (iv) from any airplane or other devices used for flying over the city; (v) from any boat on the waters within the jurisdiction of the city; or (vi) anywhere on the public streets, public sidewalks, parks or places where sound from such reproduction device may be heard from any public street, sidewalk, park or place.

(8) Motor vehicle noise.

(a) State regulations. All motor vehicles operated within the city limits of the City of Danbury shall be subject to the noise standards and decibels levels set forth in the regulations authorized in sections 14-80a-1a through 14-80a-10a inclusive of the regulations of Connecticut state agencies.

(b) Local regulation. (other vehicle noise) sound amplifying devices on, within or emanating from motor vehicles of any manner shall be regulated in accordance with subsection (4) hereof.

(9) Motorcycles. No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual.

(e) *Noise Zone Standards.* General noise standards are intended to conform to the regulations of the State of Connecticut applicable to the stationary sources of noise, as set forth in Connecticut State Regulations Section 22a-69-3.5 as amended as well as mobile sources of noise that are beyond the scope of said regulations.

In addition to the plainly audible non metered standard set forth in this ordinance, sound level meters may be utilized to determine whether any person is emitting any noise that is in excess of the standards as follows:

(1) No person in a Class C Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones.

	Receptor			
	C	B	A/day	A/night
Class C (Industrial) Emitter to	70 dBA	66dBA	61dBA	51dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(2) No person in Class B Noise Zone shall emit noise exceeding the levels state herein and applicable to adjacent Noise Zones:

	Receptor			
	C	B	A/day	A/night
Class B (Commercial) Emitter to 45dBA	62 dBA	62dBA	55dBA	55dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(3) No person in Class A Noise Zone shall emit noise exceeding the levels state herein and applicable to adjacent Noise Zones:

	Receptor			
	C	B	A/day	A/night
Class A (Residential) Emitter to	62 dBA	55dBA	55dBA	45dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during the nighttime to any residential noise zone. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time in any zone.

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 include his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

(f) *Exclusions.* Maximum noise levels established pursuant to paragraph (e) hereof shall not apply to any noise emitted by or related to:

- (1) Natural phenomenon.
- (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 system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful and shall not be excluded hereunder.
- (4) Warning devices required by OSHA or other state or federal safety regulations.
- (5) Noise created as a result of an emergency.
- (6) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (7) Recreational or celebratory activities specifically licensed or under permit from the City of Danbury, including, but not limited to, parades, sporting events, concerts, patriotic or public celebrations and fireworks displays.
- (8) Noises created by snow removal equipment provided that such equipment is maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noise therefrom.
- (9) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.
- (10) Activities authorized or exempted by federal, state or local government law or regulation.

(g) *Designation of Municipal Noise Control Officer.* The Mayor may appoint and may remove a noise control officer who may but does not necessarily need to be a member of the Danbury Police Department, such person being authorized to monitor and enforce the provisions hereof.

(h) *Penalties.* Any persons in violation of any of the provisions of this section shall be fined in the amount of twenty- five dollars (\$25.00) for their first violation; fifty dollars (\$50.00) for a subsequent violation occurring within one hundred twenty (120) days of their first violation; and seventy-five dollars (\$75.00) for any subsequent violation occurring within one hundred twenty (120) days of any previous violation not including

their first violation occurring pursuant to this subsection. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

(i) *Enforcement.* The Danbury Police Department, as directed by the chief of police, shall enforce the provisions of this section pertaining to the measurement of noise levels and the issuance of notices of violation.

(j) *Variances.* Any person living or doing business in the City of Danbury may apply to the common council for a variance from one or more of the provisions of this section.

(k) *Effect of these provisions.* All provisions of the zoning regulations of the City of Danbury which are more stringent than those set forth herein shall remain in full force and effect and shall prevail over inconsistent provisions hereof.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT the Code of Ordinances of Danbury, Connecticut, Section 12-14 is hereby amended to read as follows:

Sec. 12-14. Regulation of Noise.

(a) *Statement of 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 City of Danbury concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the city limits of the City of Danbury. A second purpose 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.

(b) *Enforcement.* In recognition of the rights of free peoples to perform their daily activities without undue governmental interference, enforcement of this section shall be in accordance with specified guidelines indicated and delineated in paragraph (e) herein.

(c) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:

- (1) *Residential zone.* Single family residence zones and multifamily residence zones, as defined by the zoning regulations of the City of Danbury, 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 City of Danbury, 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 City of Danbury.
- (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 8:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours 10:00 a.m. through 8:00 p.m. on Sundays and holidays.
- (6) *Nighttime hours.* The hours between 8:00 p.m. and 8:00 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 8:00 p.m. Saturday and 10:00 a.m. on Sunday and 8:00 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.
- (7) *Decibel.* A logarithmic unit of measurement used in measuring magnitudes of sound. The symbol is dB.
- (8) *Motor vehicle.* Defined as per section 14-1(47) of the Connecticut General Statutes.

- (9) *Noise*. Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in paragraph (e) of this section **MEASURED EITHER BY A SOUND LEVEL METER OR BY A PLAINLY AUDIBLE STANDARD AS SET FORTH HEREIN.**
- (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.
- (11) **NOISE CONTROL OFFICER. AS AUTHORIZED BY CGS 22-73(B)(2), AND IN ADDITION TO THE DANBURY POLICE DEPARTMENT, A MUNICIPAL OFFICIAL(S) WITHIN THE UNIT OR SUCH OTHER DEPARTMENT AS DESIGNATED BY THE MAYOR, THE OFFICIAL CHARGED WITH DAY TO DAY MONITORING AND ENFORCEMENT OF NOISE.**
- (124) *Person*. Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency or administrative subdivision of the state or other legal entity of any kind.
- (13) **PLAINLY AUDIBLE. A STANDARD FOR MEASUREMENT OF NOISE THAT MEANS ANY SOUND MEASURED WITHOUT METERS AND THAT CAN BE DETECTED BY A PERSON USING THEIR UNAIDED HEARING FACULTIES AND MEASURED BY STANDARDS THAT ARE OBJECTIVE, SPECIFIC AND EASILY UNDERSTOOD.**
- (143) *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.
- (154) *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.
- (165) *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.
- (176) *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.
- (187) *Domestic power equipment*. Equipment including, but not limited to, power saws, snow removal equipment, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- (198) *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.
- (2049) *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.

(2149). *Muffler*. A device for abating sounds such as escaping gases.

(d) *General prohibitions*. It shall be unlawful for any person within the City of Danbury to make, continue or cause to be made or continued any loud, unnecessary, unusual or excessive noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city as provided in paragraph (e) herein.

PLAINLY AUDIBLE STANDARDS. ALL RESTRICTIONS OR PROHIBITIONS HEREIN EXCEPT FOR SUBSECTION (8) HEREOF MAY BE ENFORCED BY SOUND LEVEL METER OR BY DETERMINATION MADE PURSUANT TO THE "PLAINLY AUDIBLE" STANDARDS ESTABLISHED BY LAW AND BY THIS ORDINANCE.

SPECIFIC PROHIBITIONS. The following, **NOT INCONSISTENT WITH STATE LAW**, are acts specifically prohibited under this paragraph (d):

(1) **COMMERCIAL ACTIVITY.** Commercial construction, **COMMERCIAL TRUCK ACTIVITY**, demolition, excavation and building operations before 7:00 a.m. Monday through Friday, before 8:00 a.m. Saturday, before 10:00 a.m. Sunday, and after 8:00 p.m. any day.

(2) Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle excluding the Standards set forth in subsection (e) hereof, unless it is necessary as a warning to prevent or avoid a traffic accident.

(3) **SENSITIVE AREAS.**

The creation within the city of any excessive noise, excluding the Standards set forth in subsection (e) hereof, in the vicinity of any school, institution of learning, church, court, hospital or nursing home while the same is in use which impacts the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed at or near such building indicating that the same is a school, institution of learning, church, court, hospital or nursing home.

(4) **LOUD VEHICLE NOISE.**

LOUD OR RAUCOUS NOISE FROM DEVICES OR EQUIPMENT AND SPECIFICALLY INCLUDING PLAINLY AUDIBLE SOUNDS EMANATING FROM MOTOR VEHICLES, OTHER VEHICLES, WHETHER STATIONARY OR MOVING.

(5) **AMPLIFICATION (PRIVATE)**

PERSONAL OR COMMERCIAL MUSIC AMPLIFICATION OR REPRODUCTION EQUIPMENT OPERATED IN A MANNER ON OR FROM ANY PROPERTY AT A DISTANCE OF FIFTY (50) FEET IN ANY DIRECTION FROM THE OPERATOR DURING THE DAYTIME OR NIGHTTIME HOURS SPECIFIED IN THIS ORDINANCE.

(6) **AMPLIFICATION (PUBLIC)**

SELF CONTAINED, PORTABLE, HAND-HELD MUSIC OR SOUND AMPLIFICATION OR REPRODUCTION EQUIPMENT OPERATED IN OR ON A PUBLIC SPACE OR PUBLIC RIGHT-OF-WAY IN SUCH A MANNER AT A DISTANCE OF FIFTY (50) FEET

IN ANY DIRECTION FROM THE OPERATOR DURING THE DAYTIME OR NIGHTTIME HOURS SPECIFIED IN THIS ORDINANCE.

(7) BUSINESS OR PERFORMANCE NOISE.

NO PERSON SHALL OPERATE OR USE OR CAUSE TO BE OPERATED ANY SOUND PRODUCTION DEVICE, FOR COMMERCIAL OR BUSINESS ADVERTISING PURPOSES OR FOR THE PURPOSE OF ATTRACTING ATTENTION TO ANY PERFORMANCE, SHOW, SALE OR DISPLAY OF MERCHANDISE, IN CONNECTION WITH ANY COMMERCIAL BUSINESS ENTERPRISE: (i) OUTSIDE OR IN FRONT OF ANY SUCH BUILDING, PLACE OR PREMISES, ABUTTING ON OR ADJACENT TO ANY STREET, PARK OR PUBLIC SPACE; (ii) IN OR UPON ANY VEHICLE OPERATED, STANDING OR BEING IN OR ON ANY PUBLIC STREET, PARK OR PLACE; (iii) FROM ANY STAND, PLATFORM OR OTHER; (iv) FROM ANY AIRPLANE OR OTHER DEVICES USED FOR FLYING OVER THE CITY; (v) FROM ANY BOAT ON THE WATERS WITHIN THE JURISDICTION OF THE CITY; OR (vi) ANYWHERE ON THE PUBLIC STREETS, PUBLIC SIDEWALKS, PARKS OR PLACES WHERE SOUND FROM SUCH REPRODUCTION DEVICE MAY BE HEARD FROM ANY PUBLIC STREET, SIDEWALK, PARK OR PLACE.

(8) MOTOR VEHICLE NOISE.

(a) STATE REGULATIONS. ALL MOTOR VEHICLES OPERATED WITHIN THE CITY LIMITS OF THE CITY OF DANBURY SHALL BE SUBJECT TO THE NOISE STANDARDS AND DECIBELS LEVELS SET FORTH IN THE REGULATIONS AUTHORIZED IN SECTIONS 14-80A-1A THROUGH 14-80A-10A INCLUSIVE OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(b) LOCAL REGULATION. (OTHER VEHICLE NOISE) SOUND AMPLIFYING DEVICES ON, WITHIN OR EMANATING FROM MOTOR VEHICLES OF ANY MANNER SHALL BE REGULATED IN ACCORDANCE WITH SUBSECTION (4) HEREOF.

(9) MOTORCYCLES. NO PERSON SHALL CAUSE OR PERMIT ANY MOTORCYCLE TO OPERATE ON A PUBLIC RIGHT-OF-WAY WHERE THE MUFFLER OR EXHAUST GENERATES A SOUND THAT IS PLAINLY AUDIBLE TO ANOTHER INDIVIDUAL.

(e) *Noise Zone Standards.* GENERAL NOISE STANDARDS ARE ~~This subsection is intended to conform to the regulations of the State of Connecticut applicable to the~~ STATIONARY SOURCES of noise, as set forth in Connecticut State Regulations Section 22a-69-3.5 as amended AS WELL AS MOBILE SOURCES OF NOISE THAT ARE BEYOND THE SCOPE OF SAID REGULATIONS.

IN ADDITION TO THE PLAINLY AUDIBLE NON METERED STANDARD SET FORTH IN THIS ORDINANCE, SOUND LEVEL METERS MAY BE UTILIZED TO DETERMINE WHETHER any person IS EMITTING any noise that is in excess of the standards as follows:

- (1) No person in a Class C Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones.

	Receptor			
	C	B	A/day	A/night
Class C (Industrial) Emitter to	70 dBA		66dBA	61dBA
				51dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

- (2) No person in Class B Noise Zone shall emit noise exceeding the levels state herein and applicable to adjacent Noise Zones:

	Receptor			
	C	B	A/day	A/night
Class B (Commercial) Emitter to		62 dBA	62dBA	55dBA
45dBA				

Levels emitted in excess of the values listed above shall be considered excessive noise.

- (3) No person in Class A Noise Zone shall emit noise exceeding the levels state herein and applicable to adjacent Noise Zones:

	Receptor			
	C	B	A/day	A/night
Class A (Residential) Emitter to		62 dBA	55dBA	55dBA
45dBA				

Levels emitted in excess of the values listed above shall be considered excessive noise.

No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during the nighttime to any residential noise zone. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time in any zone.

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 include his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

- (f) *Exclusions.* Maximum noise levels established pursuant to paragraph (e) hereof shall not apply to any noise emitted by or related to:

- (1) Natural phenomenon.
- (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 system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful and shall not be excluded hereunder.
- (4) Warning devices required by OSHA or other state or federal safety regulations.
- (5) Noise created as a result of an emergency.

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- (6) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (7) Recreational or celebratory activities specifically licensed or under permit from the City of Danbury, including, but not limited to, parades, sporting events, concerts, patriotic or public celebrations and fireworks displays.
- (8) Noises created by snow removal equipment provided that such equipment is maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noise therefrom.
- (9) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.
- (10) ACTIVITIES AUTHORIZED OR EXEMPTED BY FEDERAL, STATE OR LOCAL GOVERNMENT LAW OR REGULATION.

(G) DESIGNATION OF MUNICIPAL NOISE CONTROL OFFICER. THE MAYOR MAY APPOINT AND MAY REMOVE A NOISE CONTROL OFFICER WHO MAY BUT DOES NOT NECESSARILY NEED TO BE A MEMBER OF THE DANBURY POLICE DEPARTMENT, SUCH PERSON BEING AUTHORIZED TO MONITOR AND ENFORCE THE PROVISIONS HEREOF.

(H) *Penalties.* Any persons in violation of any of the provisions of this section shall be fined in the amount of twenty- five dollars (\$25.00) for their first violation; fifty dollars (\$50.00) for a subsequent violation occurring within ONE HUNDRED TWENTY (120) ~~thirty (30)~~ days of their first violation; and seventy-five dollars (\$75.00) for any subsequent violation occurring within ONE HUNDRED TWENTY (120) ~~thirty (30)~~ days of any previous violation not including their first violation occurring pursuant to this subsection. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

(I) *Enforcement.* The Danbury Police Department, as directed by the chief of police, shall enforce the provisions of this section pertaining to the measurement of noise levels and the issuance of notices of violation.

(J) *Variances.* Any person living or doing business in the City of Danbury may apply to the common council for a variance from one or more of the provisions of this section.

(K) *Effect of these provisions.* All provisions of the zoning regulations of the City of Danbury which are more stringent than those set forth herein shall remain in full force and effect and shall prevail over inconsistent provisions hereof.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections. Deleted language is indicated by ~~strikeouts~~.