

**PROPOSED ORDINANCE NO. ____ TO AMEND CHAPTER 164, CONCERNING THE
REGULATION OF OPERATION AND USE OF EXTERNAL SPEAKERS ATTACHED TO
MOTOR VEHICLES**

WHEREAS, the City of Stamford has received a history of numerous complaints of excessively loud noise from residents generated by the use of external speaker systems that are attached to motor vehicles, particularly in areas of city parks; and

WHEREAS, the fines of the current noise ordinance of the City of Stamford, when enforced, have not served as a great enough deterrent to offenders of the ordinance, nor repeat offenders, and does not allow for the seizure and forfeiture of speakers systems to prevent further repeat violations; and

WHEREAS, Conn. Gen. Stat. Sec. 7-149c empowers the City of Stamford to regulate the operation, use, seizure, and forfeiture of external speakers attached to a motor vehicle in order to preserve the public peace and good order and prevent disturbing noises; and

WHEREAS, in accordance with Conn. Gen. Stat. Sec. 7-148(c)(7)(H)(viii) with Ord. No. 548 of April 1985, the Board of Representatives created Chapter 164 of the Stamford Code of Ordinances, entitled Noise, as amended, the purpose of which is to ensure an environment free from excessive sound and vibration that may jeopardize the health or safety or welfare or degrade the quality of life of the citizens of the City of Stamford through the reduction, control and prevention of noise; and

WHEREAS, the City of Stamford seeks to amend Chapter 164 of the Stamford Code of Ordinances in order to increase the maximum penalties for violations of the ordinance and to add the process for seizure and forfeiture of external speaker systems attached to motor vehicles used in violation of the ordinance in accordance with the Connecticut General Statutes; and

WHEREAS, with this amendment the City of Stamford seeks to enhance the ability to enforce Chapter 164, as well as update shared definitions so they are uniformly referenced in other sections of Stamford Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Sec. 164-3. - Definitions.

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

Ambient noise or background noise. 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 percent (90%) of the time (L90) in which the measurement is taken.

Attached to a motor vehicle. In physical contact with a motor vehicle, or connected to a motor vehicle by an electrical connection.

Board of Representatives. The Board of Representatives of the City of Stamford.

Commercial zone. All commercial districts and business districts, including CCS, CN, CL, CD, CG, CI and CNN, as defined in the zoning regulations of the City of Stamford, and all uses associated therewith permitted either as a right or as a special use. "Commercial" shall also include BD and BC design zones.

Construction. 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.

Construction equipment. Any equipment or device operated by fuel or electric power or air or hydraulic pressure, used in construction or demolition work.

Daytime hours. The hours between 8:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours of 10:00 a.m. through 5:00 p.m., Sundays and federal and state holidays.

Decibel. A logarithmic unit of measure used in measuring magnitudes of sound.

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

Director of health. The Director of Health of the City of Stamford.

Domestic power equipment. Power saws, drills, grinders, lawn mowers, string trimmers, electric leaf blowers, and other power equipment intended for use in residential areas by a homeowner.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency vehicle. 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.

Emergency work. 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.

External. Outside of the enclosures or openings provided by the vehicle manufacturer for the vehicle's factory-installed audio system.

Gas-powered leaf blower. Any leaf blower, leaf vacuum or other leaf-gathering device directly powered by an internal combustion or rotary engine using gasoline, alcohol or other liquid or gaseous fuel. Lawn mowers, lawn edgers, and electrically powered leaf blowers are not included in this definition.

Health commission. The Health Commission of the City of Stamford.

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

Industrial zone. 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.

Motor vehicle. Defined as per Section 14-1(59) of the Connecticut General Statutes, as now in force or hereafter amended.

Motorized recreational vehicle. - Any vehicle as defined in Section 231-65(F) of the City of Stamford Code of Ordinances.

Muffler. A device for abating sounds such as those produced by escaping gases.

Nighttime hours. Nighttime hours begin at 8:01 p.m. on Monday through Saturday, and begin at 5:01 p.m. on Sunday and Federal holidays. Nighttime hours end at 7:59 a.m. on Monday through Saturday and end at 9:59 a.m. on Sundays and Federal holidays.

Noise. Any sound, the intensity of which exceeds the standards set forth in section 164-5B of this chapter.

Noise level. The sound level in decibels as measured with a sound-level meter using the A-weighting scale. The level so read is designated dB(A) or dBA.

Person. 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. Any building, structure, land or portion thereof, including all appurtenances, and includes 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.

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.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place that owned or controlled by a governmental entity.

Residential zone. All city-owned property used for recreational or educational purposes and all residential districts (RA2, RA1, R20, R10, R7½, 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.

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.

Sound-level meter. 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).

Sound-pressure level. Twenty (20) times the logarithm to the base 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 which is expressed in decibels (dB).

Speaker. Any device used to transform electrical energy into audible sound.

Unreasonable noise. Any excessive or unusually loud sound that could reasonably be expected to disturb the peace, comfort or repose of a reasonable person of normal sensitivity or could reasonably be expected to injure or endanger the health or safety of a reasonable person of normal sensitivity, or which could reasonably be expected to cause injury to plant or animal life, or damage to property or business.

Sec. 164-7. - Motor vehicle noise. Improper Use of External Speakers Attached to a Motor Vehicle.

- A. 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 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.

- B. No person shall make, or cause or allow to be made, unreasonable noise from an external speaker or speakers attached to a motor vehicle in a manner reasonably likely to cause public inconvenience, annoyance or alarm.

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

Sec. 164-10. - Violations penalties.

- A. Any person in violation of any provisions of this chapter, with the exception of 164-6a and 164-7(B), shall be fined two-hundred fifty dollars (\$250.00).

- B. Any violation of Section 164-6a regarding gas powered leaf blowers shall be fined in an amount not to exceed ninety dollars (\$90). Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.

- C. Any violation of Section 164-7(B) regarding improper use of external speakers attached to a motor vehicle shall be fined one thousand dollars (\$1,000) for a first offense, one thousand five hundred dollars (\$1,500) for a second offense and, two thousand (\$2,000) for a third or subsequent offense. In addition, the external speaker(s) used to commit the offense may be seized by a police officer and forfeited to the City of Stamford pursuant to Sec. 7-149c of the Connecticut General Statutes as now in force or hereafter amended.

Sec. 164-10.1. - Seized speaker forfeiture, and appeal hearings.

- A. With regard to speakers seized under this chapter, a hearing officer shall be appointed by the Mayor subject to the approval of the Board of Representatives to conduct hearings authorized by this section. Such hearing officer shall work with the Chief of Police in the scheduling of hearings held pursuant to this chapter. The Chief of Police or

their designee shall represent the Police Department at such hearing. A sworn police incident report shall be considered prima facie proof of the violation. The owner or lienholder may cross examine any witness and present evidence and argument in opposition to the City's claim. No external speaker shall be forfeited pursuant to this chapter to the extent of the interest of an owner by reason of any act or omission committed by another person if such owner did not know and could not have reasonably known that such external speaker was being used or was intended to be used in violation of this chapter. After the hearing as provided by this section, the hearing officer may order the forfeiture of any external speaker that has been seized upon proof of conduct amounting to probable cause for a violation of Chapter 164 or any other city ordinance or state law pursuant to the process provided herein. Written notice advising the recipient of the right of the owner or lienholder of the speaker to a hearing prior to the auction of the speaker vehicle will be delivered on a form approved by Corporation Counsel and Board of Representatives to any lienholder and to the owner of the speaker, or if no owner can be identified, to the user of the speaker, within thirty (30) days of the seizure. A written request for a hearing before a hearing officer must be received by hand delivery or certified mail, return receipt requested, to Hearing Officer, in care of the Chief of Police, Stamford Police Department, 725 Bedford St., Stamford, Connecticut 06901 within thirty (30) days of receipt of the notice. Said request for a hearing by an owner should be submitted with any proof of ownership or by a lienholder with proof of lien or other security interest in the speaker.

- B. Said hearing shall be conducted by the hearing officer and shall be held not more than thirty (30) days after the receipt of the written request, except that written requests for an extension of time may be granted for good cause shown. Notice of the date and time of said hearing shall be provided to the owner or lienholder no later than ten (10) days before the date of the hearing by electronic delivery and/or by certified mail, return receipt requested, at the email or residential address provided by the owner or lienholder in the written request for a hearing.
- C. Any party to the hearing may, at their expense, may record the hearing. Any party to the hearing may be represented by counsel.
- D. A speaker may be ordered forfeited upon a finding of any, but not limited to, of the following:
 - 1. There is probable cause to believe that the speaker was possessed, controlled, or designed for use, or is or has been or is intended to be used, to violate, or in violation of any city ordinance or the criminal laws of this state; or

2. There is probable cause to believe that use of the speaker created any excessive or unusually loud sound that could reasonably be expected to disturb the peace, comfort or repose of a reasonable person of normal sensitivity or could reasonably be expected to injure or endanger the health or safety of a reasonable person of normal sensitivity, or which could reasonably be expected to cause injury to plant or animal life, or damage to property or business.
- E. Following the hearing, the hearing officer who conducted the hearing, shall issue a written decision ordering the forfeiture of the speaker or ordering the return of the speaker to its owner, except that the hearing officer who conducted the hearing, shall not order the release of any speaker that is required to be kept as evidence in any investigation or legal proceeding related to any criminal offense.
- F. Any speaker that is subject to a bona fide assignment of lease or rent, lien, or security interest shall not be ordered forfeited in violation of the rights of the holder of such assignment of lease or rent, lien, or security interest.
- G. In accordance Connecticut General Statute 7-149c, any external speaker attached to a motor vehicle which has been seized and forfeited pursuant to this chapter shall be sold at a public auction conducted by the City of Stamford thirty (30) or more days after the seizure of such speaker, or, in the case of an appeal filed pursuant to this section hereof, ten (10) or more days after the final determination of said appeal. The proceeds of such sale shall be paid to the Treasurer of the City of Stamford, who shall deposit such proceeds into the General Fund. Nothing in this section shall be deemed to prohibit the City from auctioning multiple speakers seized pursuant to this section at a single auction event.

H. If within thirty (30) days of the delivery of the notice of the right to a hearing under this section, no owner or lienholder of the external speaker has requested a hearing, the external speaker will be considered abandoned and disposed of under applicable law.

Sec. 164-8. - Motorized recreational vehicle noise.

No person shall create or cause to be created any unreasonable noise due to the operation of a recreational vehicle.