

**PROPOSED ORDINANCE SUPPLEMENTAL
AMENDING CHAPTER 164, NOISE, SECTIONS 164-3 AND 164-5**

WHEREAS, Chapter 164 of the Code of Ordinances provides for the control of noise in the City of Stamford; and

[-----DELETE) WHEREAS, Section 164-3 of the Code of Ordinances includes definitions of daytime hours and nighttime hours; and-----DELETE]

WHEREAS, Section 164-5.E(5) contains an exemption for noise from demolition activities; and

WHEREAS, it has been determined that it is in the best interests of the City of Stamford to amend Chapter 164 **[DELETE to begin the nighttime hours at 8:01 p.m. on Monday through Saturday and DELETE]** to prohibit all non-emergency demolition activities on Sunday within 100 feet of a residential zone.

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

Chapter 164, Sections 164-3 and 164-5 of the Code of Ordinances are hereby amended as follows:

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.

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. The symbol is dB. SPL (sound-pressure level) is defined as:

$$\text{SPL} = 20 \log P \text{ in dB} / P_o$$

Where $P_o = 0.0002$ microbars

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 and garden tools and other domestic power equipment intended for use in residential areas by a home-owner.

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.

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 (26) of the Connecticut General Statutes.

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 § 164-5B of this chapter.

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.

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 which is owned or controlled by a governmental entity.

Recreational vehicle. Any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

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).

Sec. 164-5. 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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

- (2) No person in a commercial 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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	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:

Receptor's Zone

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

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) decibels, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) decibels at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.
- (2) 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.
- (3) 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.

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 not terminating within fifteen (15) minutes after being activated shall be unlawful.
- (4) Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations.
- (5) Farming equipment or farming activity.

E. Exemptions and special conditions. The following shall be exempt from these regulations, subject to special conditions as may be spelled out:

- (1) A) Noise generated by construction activities during daytime hours, it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m. on Monday through Friday, 8:00 a.m. Saturday and 10:00 a.m. Sunday.

~~[DELETE B) Noise generated by construction activities are prohibited after 6:00 p.m.DELETE]~~

- (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 during daytime hours.

- (4) Noise from snow removal equipment.
- (5) Noise from demolition activities conducted during daytime hours, it being the express intention of this provision to prohibit the use of equipment and machinery used in demolition work before the hour of 7:00 a.m. on Monday through Friday, 8:00 a.m. Saturday and 10:00 a.m. Sunday; provided that when considered emergency work, demolition shall be exempt at all times from the noise levels set in this regulation. Notwithstanding the foregoing, the use of equipment and machinery used in demolition work, other than for emergency work, shall be prohibited on Sunday within 100 feet of a residential zone.
- (6) Noise created by any aircraft flight operations, which are specifically preempted by the Federal Aviation Administration.
- (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts and firework displays.
- (8) Noise created by blasting other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- (9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (10) Sound created by any mobile source of noise. Mobile sources of noise shall include but are not limited to such sources as aircraft, automobiles, trucks and boats. However, notwithstanding this subsection, motor vehicles shall be subject to the standards set forth in § 164-7 hereof.
- (11) Noise generated by construction activities of a public utility, its contractors or subcontractors.

This ordinance shall take effect upon enactment.