

Chapter 78 Noise

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 6-25-1985. Amendments noted were applicable.]

GENERAL REFERENCES

Alarms producing exterior audible sound — See Ch. 45, § 45-5.

§ 78-1 Legislative intent.

§ 78-2 Definitions.

§ 78-3 Excessive noise prohibited.

§ 78-4 Noise level measurement procedures.

§ 78-5 Noise level standards.

§ 78-6 Administration, ~~and~~ enforcement and penalties.

§ 78-7 ~~Penalties for offenses~~ Exclusions.

§ 78-8 ~~Exceptions~~ Specific prohibitions.

§ 78-9 ~~Exemptions~~ Conflict with other regulations Variances.

§ 78-10 ~~Existing noise sources~~ Conflict with other regulations.

§ 78-11 Severability.

§ 78-1 Legislative intent.

Government is instituted to protect life, liberty and property. Loud, excessive and unreasonable noise ~~during the nighttime hours~~ is an interference with a person's right to the use and enjoyment of his/her property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. ~~The purpose of this chapter is to provide an objective standard and procedure for enforcing property rights.~~ This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life in Fairfield through the reduction, control and prevention of noise.

§ 78-2 Definitions.

As used in this chapter, the following items shall have the meanings indicated:

~~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.~~

BUSINESS DISTRICT

Any business district, including Business District No. 1, Business District No. 2, Business District No. 3, Designed Business District No. 1, Designed Business District No. 2, Designed Business District No. 3 and Designed Business District No. 4, as defined in the Zoning Regulations of the Town of Fairfield.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Friday; and the hours between 8:00 a.m. and 10:00 p.m. on Saturday, Sunday and during any state or national holiday.

DECIBEL

A logarithmic unit of measurement of the sound level. ~~measure in measuring magnitudes of sound. The symbol is "dB."~~ In this chapter, the decibel level is expressed in terms of dBA (A-weighted decibels).

EMERGENCY

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

EMITTER

A person who creates, causes to be created or allows the noise.

IMPULSE NOISE

Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

INDUSTRIAL DISTRICT

Any industrial district, including Industrial District No. 1, Industrial District No. 2, Designed Industrial District No. 1, Designed Industrial District No. 2 and Designed Research District, as defined in the Zoning Regulations of the Town of Fairfield.

MOTOR VEHICLE

Shall be defined as per Section 14-1(26) of the Connecticut General Statutes (Revision of 1958, as amended).^[1]

NIGHTTIME HOURS

[Amended 9-25-2017]

- A. The hours between 10:00 p.m. and 7:00 a.m., Sunday night through Friday morning (weekday schedule); and the hours between ~~10~~11:00 p.m. and 8:00 a.m., Friday night through Sunday morning (weekend schedule).

Weekday Schedule:

10:00 p.m. Sunday through 7:00 a.m. on Monday

10:00 p.m. Monday through 7:00 a.m. on Tuesday

10:00 p.m. Tuesday through 7:00 a.m. on Wednesday

10:00 p.m. Wednesday through 7:00 a.m. on Thursday

10:00 p.m. Thursday through 7:00 a.m. on Friday

Weekend Schedule:

~~10~~11:00 p.m. Friday through 8:00 a.m. on Saturday

~~10~~11:00 p.m. Saturday through 8:00 a.m. on Sunday

- B. During any state or national holiday, the weekend schedule will be in effect the night before the holiday through the morning of the holiday.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 78-5 of this chapter.

NOISE LEVEL

The sound pressure level, as measured with a sound level meter.

PERSON

Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PLAINLY AUDIBLE

Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level standards provided for in § 78-5.

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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE

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.

RECEPTOR

The person who receives the noise impact and initiates the noise complaint.

RESIDENTIAL DISTRICT

Any residential district, including Residential Districts AAA, AA, R-3, R-2, A, B, C, Designed Residence District No. 1 and Designed Residence District No. 2, as defined in the Zoning Regulations of the Town of Fairfield, and all uses permitted therewith either as a right or as a special use.

SOUND

The 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.

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 (TYPE s2A).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound and is electronically amplified, including, but not limited to, any musical instrument, loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.

[1] *Editor's Note: See now C.G.S. § 14-1(54).*

§ 78-3 Excessive noise prohibited.

[Amended 9-25-2017]

It shall be unlawful for any person to emit or cause to be emitted any noise from such person's property beyond the boundaries of his property lines in excess of the noise levels set forth in § 78-5 during ~~the daytime or~~ nighttime hours as defined in § 78-2, except in those incidences provided for in §§ ~~78-7 78-8~~ and ~~78-878-9~~.

§ 78-4 Noise level measurement procedures.

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

When measuring with a sound level meter:

- A. Instruments used to determine noise levels shall conform, ~~at~~ a minimum, to the operational specifications of the American National Standards Institute for sound level meters (Type s2A), maintained in calibration and good working order, and used in accordance with the manufacturer's instructions. ~~instrument manufacturer's instructions for use of the instruments shall be followed.~~
- B. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.

C.

Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's property line within the premises of the complaining receptor. 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.

When measuring Sound Production Devices with normal hearing acuity that are plainly audible:

- D. Noise produced by Sound Production Devices will be plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measured by approximation from the source of noise.

§ 78-5 Noise level standards.

A.

No person shall emit noise exceeding the levels stated herein during daytime or nighttime hours, except in those incidences provided for in §78-7 and §78-8 of this chapter:

Property Use:	<u>Noise Measured by Sound Level Meter</u> <u>(Applicable to ALL noise):</u> <i>Measured in A-Weighted Decibels (dBA)</i> Daytime: Hours <u>not</u> defined as nighttime. Nighttime: 10:00 p.m. through 7:00 a.m. Sunday—Friday; 11:00 p.m. through 8:00 a.m. Friday—Sunday; the evening before and morning of state and national holidays		<u>Plainly Audible Noise</u> <u>(Applicable ONLY to</u> <u>noise produced by</u> <u>Sound Production</u> <u>Devices):</u>
Receptor	Time	Sound Level dBA	Plainly audible at...
Residential	Nighttime	45 dBA	100 feet
Residential	Daytime	55 dBA	150 feet
Business	At all times	60 dBA	200 feet
Industrial	At all times	65 dBA	250 feet

<u>Zone in Which Emitter is</u> <u>Located</u>	<u>Zone in Which Receptor is Located</u>		
	Industrial	Business	Residential
Industrial	70-dBA	66-dBA	51-dBA
Business	62-dBA	62-dBA	45-dBA

Zone in Which Emitter is Located	Zone in Which Receptor is Located		
	Industrial	Business	Residential
Residential	62 dBA	55 dBA	45 dBA

~~B. Background noise and impulse noise. In those individual cases where the ambient or background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source (impulse or sustained) shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to this chapter shall emit in excess of 80 dBA at any time, with the exceptions of those sources referenced in Subsection C, and provided that this subsection shall not be interpreted as decreasing the noise level standards of §78-5 of this chapter.~~

~~C.~~ B. -All motor vehicles operated within the limits of the Town of Fairfield shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, Sections 14-80a-1a through 14-80a-10a, Maximum Permissible Noise Levels for Vehicles.^[1]

[1] *Editor's Note: See now C.G.S. § 14-80a, Maximum noise levels.*

§ 78-6 Administration, ~~and enforcement~~ and penalties.

A. The ~~Chief of Police~~Police Department shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter as specified in § 78-3. Upon receiving the first complaint, the police shall make the required sound level reading or plainly audible determination as specified in § 78-5.

B. If the sound level exceeds the standards enumerated in § 78-5, or is specifically prohibited under § 78-8, a verbal warning shall be given to the emitter for the first offense; an infraction notice of \$100 for the second offense; and \$250 for each subsequent offense within one year of the last offense. ~~If such noise does not cease, and upon receiving a second complain, the police shall follow the procedures as set forth in § 78-7.~~

C. Each violation shall constitute a separate offense.

D. Refusing, hindering or interfering with enforcement of any provision in this Chapter is a separate offense.

E. Failure to pay the fine in the time prescribed in the infraction notice will result in the issuance of a summons to appear in Superior Court. [old 78-7]

~~A.F.~~ Notwithstanding that enforcement of this chapter shall be initiated by ~~such any noise~~ complaint ~~made~~, no signed complaint shall be required by the Police Department to enforce or administer any of the provisions of this chapter.

~~§ 78-7 Penalties for offenses.~~

~~Any person found in violation of the provisions of this chapter shall be given an infraction notice which incorporates a fine of \$50 for the first offense and \$90 for each additional offense within a twenty-four-hour period. Failure to pay the fine in the time prescribed in the infraction notice will result in the issuance of a summons to appear in Superior Court. ["Failure to pay the fine" moved to 78-6]~~

~~§ 78-8-7 Exceptions~~Exclusions.

The noise level standards defined in § 78-5 shall not apply to any noise emitted by or related to:

- A. Natural phenomena.
- B. Any bell or chime from any building clock, school or church.
- C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in emergency situations; provided, however, that burglar or fire alarms not terminating within 30 minutes after being activated shall be unlawful.^[1]
- D. [1] *Editor's Note: See Ch. 45, Alarms.*
- E. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
- F. Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.
- G. The unamplified sounding of the human voice.

~~G-H.~~ Noise created by public school construction.

~~§ 78-9 Exemptions.~~

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

~~A.~~

~~H.I.~~ Noise created as a result of or relating to an emergency.

~~B.~~

~~I-J.~~ Noise created by snow-removal equipment.

~~J-K.~~ Noise created by road maintenance activities of the Department of Public Works and the Water Pollution Control Agency.

~~K-L.~~ Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours. (Norwalk Chapter 68, Noise, 2020)

~~G.~~

~~L-M.~~ Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.

~~D.~~

~~M-N.~~ Noise created as a result of or relating to maintenance and repairs conducted by public utilities.

~~E.~~

~~N-O.~~ Noise generated from swimming pool pumps, air-conditioning systems and heating systems which are in good working order and which meet the specifications accepted by federal, state and Town agencies designated to govern their installation and standards of performance.

~~F.~~

~~P.~~ Noise created by public celebrations and on-site recreational or sporting activities which are sanctioned by the State of Connecticut or the Town of Fairfield, including, but not limited to, parades, sporting events, concerts, and block parties and are open to the public. This exclusion does not apply to private rentals of town-owned buildings.

~~Q-Q.~~ Permitted fireworks conducted after sunset and completed by 10:30 p.m. Fireworks conducted by the Town of Fairfield or its designee(s) for the Independence Day celebration are fully excluded from these noise regulations at all times.

~~P-R.~~ Noise created by public demonstrations and/or protests, provided that the activity is conducted during daytime hours.

~~G.~~

~~S.~~ Any person who owns or operates any stationary noise source granted a variance pursuant to Section 22a-69-7.1 of the Regulations of Connecticut State Agencies shall be exempt from provisions of this chapter by said variance. Any person seeking a variance pursuant to Section 22a-69-7.1 of the Regulations of Connecticut State Agencies shall not be subject to the provisions of this chapter while the variance application is pending.

§ 78-8 Specific Prohibitions.

The following shall be specifically prohibited:

A. Construction, demolition, power tools and home maintenance tools shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between 5:00 p.m. and 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply.

B. Blasting shall not be conducted between 5:00 p.m. and 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.

A.C. Landscaping and/or yard maintenance equipment shall not be operated between the hours of 8:30 p.m. and 7:00 a.m. on weekdays, and between 8:00 p.m. and 8:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply. Maintenance of town playing fields shall not be subject to this prohibition.

D. Impulse noise such as vehicle backfiring, engine racing, and unnecessary vehicular horn blowing that annoys or disturbs the quiet, comfort or repose of persons.

E. Igniting fireworks after 10:30 p.m., except by the Town of Fairfield or its designees for the Independence Day celebration. Special permits must be obtained to ignite fireworks in the Town of Fairfield. See CGS § 29-357.

F. Refusing, hindering or interfering with enforcement of any provision in this Chapter.

§ 78-10 Existing noise sources.

§ 78-9 Variances.

A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are 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 noise that will be generated.**
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B. No variance from this Chapter 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 Chapter constitutes an unreasonable hardship on the applicant.
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- 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.
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§78-10 Conflict with other regulations.

~~Existing noise sources pursuant to Section 22a-69-3.7 of the Regulations of Connecticut State Agencies shall be entitled to the allowances contained in said section.~~

In the event that any standards in this chapter conflict with regulations or standards set by the Town of Fairfield and/or the State of Connecticut Department of Environmental Protection, the stricter standard shall apply.

§ 78-11 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by a court of a competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part thereof.
