

CHAPTER 290
ORDINANCE REGULATING ACTIVITIES CREATING EXCESSIVE NOISE
AND THE ADMINISTRATIVE THEREOF

Section 290-1. Findings

- A. Inadequately controlled noise presents a growing danger to the health and welfare of the residents of the Town of Orange.
- B. The residents of the Town of Orange have a right and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, or welfare, or degrade the quality of life.
- C. Certain activities by their nature create excessive noise and vibration, which, if left unregulated, affect the health, safety, welfare and quality of life of the residents of the Town of Orange.
- D. The Town of Orange seeks to protect, preserve and promote the health, safety, welfare and quality of life of its residents by the regulation of certain uses, which, by their nature, create excessive noise.

Section 290-2. Objectives

The objective of this chapter shall be to make it unlawful for any person to make, or continue to cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

Section 290-3. Definitions

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

BACKGROUND NOISE shall mean noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded ninety (90) percent of the time (L_{90}) in which the measurement is taken.

BUSINESS ZONE shall mean those areas within the Commercial District, which are within one hundred fifty (150) feet of a residential building within the Town, provided that the residential building pre-existed the specific use within the business zone. The one hundred fifty (150) foot measurement shall be taken from the source of the noise generation to the closest point of the foundation of the residential building.

CHIEF OF POLICE shall mean the Chief of Police of the Town of Orange or his/her designated officer or officers.

COMMERCIAL DISTRICT shall mean the area of the Town of Orange designated by section 383-15 of the Zoning Regulations for the Town of Orange as "Commercial C-1 District", "Commercial C-2 District" and "Local Shopping Center LSC District" and established as shown on a map entitled "Zoning Map of the Town of Orange, Connecticut," dated June 21, 1971, revised August 25, 1971, including any special maps and boundary descriptions supplementary thereto and any amendments thereof. Within the Commercial District, there shall be a "Business Zone" as hereinabove defined.

CONSTRUCTION shall mean any and all physical activity of the site necessary or incidental to the erection, placement, demolishing, assembling, altering, blasting, cleaning, repairing, installing or equipping of buildings or other structures, roads,

premises, parks, utility lines or other property, and shall include but not be limited to land clearing, grading, excavating, filling and paving except for any such activities with respect to public highways or roads.

DAYTIME HOURS shall mean the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

DECIBEL shall mean a unit of measurement of the sound level, the symbol for which is dB.

EMERGENCY shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMITTER shall mean the person who creates, causes to be created or allows the noise.

EXCESSIVE NOISE shall mean any sound, the intensity of which exceeds the standards set forth in this ordinance.

IMPULSE NOISE shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INTRUSION ALARM shall mean a device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

L₉₀ shall mean the A-weighted sound pressure level exceeded ninety (90) percent of the time period during which measurement was made.

LIGHT INDUSTRIAL DISTRICT shall mean the area of the Town of Orange designated by section 383-15 of the Zoning Regulations for the Town of Orange as "Light Industrial District #1", "Light Industrial District #2" and "Light Industrial District #3" and established as shown on a map entitled "Zoning Map of the Town of Orange,

Connecticut,” dated June 21, 1971, revised August 25, 1971, including any special maps and boundary descriptions supplementary thereto and any amendments thereof.

MOTOR VEHICLE shall mean a vehicle as defined in Connecticut General Statutes section 14-1(51).

NIGHTTIME HOURS shall mean the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

NOISE LEVEL shall mean a frequency weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

OFFICE PARK DISTRICT shall mean the area of the Town of Orange designated by section 383-15 of the Zoning Regulations for the Town of Orange as “Office Park District” and Business Office Park District” and established as shown on a map entitled “Zoning Map of the Town of Orange, Connecticut,” dated June 21, 1971, revised August 25, 1971, including any special maps and boundary descriptions supplementary thereto and any amendments thereof.

PERSON shall mean 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 shall mean any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

PROPERTY MAINTENANCE EQUIPMENT shall mean all engine or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior

property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws and leaf blowers.

PUBLIC EMERGENCY SOUND SIGNAL shall mean a device either stationary or mobile, producing an audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

PUBLIC FACILITY MAINTENANCE shall mean all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities and publicly owned property.

RECEPTOR shall mean the person who receives the noise impact.

RECREATIONAL VEHICLE shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

RESIDENTIAL DISTRICT shall mean the area of the Town of Orange designated by section 383-15 of the Zoning Regulations for the Town of Orange and established as shown on a map entitled "Zoning Map of the Town of Orange, Connecticut," dated June 21, 1971, revised August 25, 1971, including any special maps and boundary descriptions supplementary thereto and any amendments thereof.

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 air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL METER shall mean an instrument used to measure sound pressure levels. A sound level meter shall conform, as a minimum, to the operational

specifications of the American National Standards Institute for sound level meters ANSI S1.4-1983 (R 1997) (Type 1).

SOUND PRESSURE LEVEL 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 (20) micro Pascals, expressed in decibels (dB) units.

ZONING ENFORCEMENT OFFICER shall mean the duly appointed Zoning Enforcement Officer of the Town of Orange or his or her designee.

Section 290-4. Exclusions

This chapter shall not apply to noise emitted by or related to:

- A. Natural phenomena.
- B. The sound made by any wild animal without amplification.
- C. A bell or chime from any building clock, school or church.
- D. A public emergency sound signal.
- E. Warning devices required by OSHA or other state or federal safety regulations.
- F. Farming equipment or farming activity.
- G. An emergency.

Section 290-5. Exemptions

The following shall be exempt from this chapter subject to the special conditions noted:

- A. Noise created by the operation of properly maintained and properly functioning property maintenance equipment between daytime hours.

- B. Noise generated by any equipment used in construction and operated outside of a fully enclosed building or structure or by the operation of any tools or equipment used in construction, drilling or demolition work or for cleaning and sweeping operations between daytime hours.
- C. Noise created by any recreational activities which are sanctioned by the Town, including, but not limited to, parades, concerts and firework displays. Any equipment related to such recreational activities shall be properly maintained and properly functioning.
- D. Noise created by a refuse collection vehicle designed for the mechanical lifting and dumping of dumpsters or other trash containers or a vehicle designed for cleaning or sweeping operations within the Town between daytime hours.
- E. Noise created by a properly maintained and properly functioning fire or intrusion alarm, which from time of activation of the audible signal emits noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.
- F. Noise created by public facility maintenance between daytime hours.
- G. Noise created by snow removal provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharge from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.
- H. Noise generated by an authorized municipal or state construction project that occurs during daytime hours or nighttime hours.

Section 290-6. Noise level measurement procedures

For the purpose of determining noise levels as set forth in this chapter, and set forth in Connecticut Regulations section 22a-69-4, the following procedures shall be applicable:

- A. A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- B. Instruments used to determine sound level measurements shall be sound level meters as defined in this ordinance.
- C. The following steps shall be taken when preparing to take sound level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. Measurements to determine compliance with this ordinance shall in those cases where a receptor is an abutter to the emitter, be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and at a point within the receptor's premise. In those cases where the receptor is not an abutter to the emitter, measurements to determine compliance with this ordinance shall be taken at a point that is located more or less one foot within the boundary of the receptor's premises.
 - 3. The person conducting the testing shall prepare a written report to include, but not necessarily be limited to, such information as date, time, location, observation of conditions of the environment such as identification of noise source, weather, traffic and other pertinent data.

- D. The Zoning Enforcement Officer is charged with assisting in training efforts and with assisting emitters in their efforts to comply with the standards set forth herein.
- E. The Town Planner and the Zoning Enforcement Officer are charged with the review of development proposals during the administrative review process to determine the potential for violation of this chapter and to assist potential emitters in their efforts to comply with the standards set forth herein.

Section 290-7. Noise levels

- A. *Noise levels.* It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this chapter.
- B. *Noise level standards.* No person shall emit noise exceeding the levels stated herein.

District in which Receptor is located

<i>District in which Emitter Is Located</i>	<i>Industrial (dBA)</i>	<i>Commercial (dBA)</i>	<i>Business Zone (dBA)</i>	<i>Office Park (dBA)</i>	<i>Residential Daytime Hours (dBA)</i>	<i>Residential Nighttime Hours (dBA)</i>
Light Industrial	70	66	66	66	61	51
Commercial	62	62	62	62	55	45
Business	62	62	62	62	55	15
Office Park	62	62	62	62	55	45
Residential	62	55	55	55	55	45

- C. *Background noise and impulse noise.*
- In those individual cases where the background noise levels caused by sources not subject to this chapter 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) dBA, provided that no source subject to this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this chapter.

2. No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during nighttime hours.
3. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time.

D. *Short Term Noise.* In measuring compliance with the Noise Level Standards, the following short term noise level excursions over the noise level standards established by this chapter shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith.

<i>Allowable levels above standards (dBA)</i>	<i>Time period of such levels (minutes/hour)</i>
3	15
6	7
8	5

E. *Existing Noise Sources.* Existing noise sources constructed between January 1, 1960 and June 15, 1978 shall be provided a permanent five (5) dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source. Existing noise sources constructed prior to 1960 shall be provided a permanent ten (10) dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent charges in ownership or facility utilization processes at the location of the existing noise source.

F. *Motor vehicle noise.*

1. All motor vehicles and recreational vehicles operated within the limits of the Town of Orange shall be subject to the noise standards and decibel levels as set forth in section 14-80a-4a of the regulations of the State of Connecticut Department of Motor Vehicles, entitled "Allowable noise levels."
2. No sound amplifying devices on or within motor vehicles or recreational vehicles shall emit noise in excess of the noise levels as specified in this chapter.

G. *Existing state law.* Nothing in this chapter shall be construed to limit the powers of the police to enforce applicable state laws, including, but not limited to, breach of the peace, motor vehicle noise, or recreational vehicle noise.

Section 290-9. Enforcement

The Chief of Police shall enforce the provisions of this chapter upon the complaint of an affected party or upon the discovery of an on-sight violation of this ordinance.

Section 290-10. Penalties for Offenses

Any person who violates any provision of this chapter shall be subject to arrest and prosecution by the proper authorities and may be fined one hundred (\$100.00) dollars for each offense. Each day in which violation of this chapter shall occur shall constitute a separate offense.

RESOLVED: This ordinance shall become effective on the twenty-first day after its publication in accordance with section 3.4 of the Orange Code.

Notice of Public Hearing on Proposed Amendment of chapter 290 of the Town of Orange Code dated at Orange, Connecticut this _____ day of April, 2006.

**TOWN OF ORANGE
BOARD OF SELECTMEN**

BY:

James M. Zeoli
First Selectman

ATTEST:

Patrick B. O'Sullivan
Town Clerk