



NOISE ORDINANCES IN SMALL MUNICIPALITIES

By: Julia Singer Bansal, Legislative Analyst II

REGULATING NOISE

Both the Department of Energy and Environmental Protection and municipalities are authorized to establish limits on excessive noise from buildings, facilities, and other stationary sources (CGS § [22a-67 et seq.](#)).

The Department of Motor Vehicles is authorized to establish limits on excessive noise from motor vehicles (CGS § [14-80a](#)).

QUESTION

Compare noise ordinances among Connecticut municipalities with populations similar in size to North Stonington.

SUMMARY

The law authorizes municipalities to regulate stationary noise by ordinance. Municipal noise ordinances must (1) be approved by the Department of Energy and Environmental Protection (DEEP) commissioner and (2) incorporate noise standards that are at least as stringent as those identified in DEEP's regulations (CGS § [22a-73](#)). According to DEEP, at least 75 municipalities have noise ordinances.

We selected a sample of 30 municipalities with populations similar in size to North Stonington, which has a population of 5,297, according to the 2010 Census. The sample included the 15 municipalities both immediately above and immediately below North Stonington in population size. Only eight of these 30 municipalities have noise ordinances (Bethlehem, Durham, East Granby, Harwinton, Middlebury, Old Lyme, Salisbury, and Westbrook). Four of these eight municipalities (Bethlehem, Harwinton, Middlebury, and Salisbury) are part of the Torrington Area Health District (TAHD), which adopted a single noise ordinance applicable in all of its member municipalities and boroughs.

The five noise ordinances we compared establish similar standards and generally include the following core provisions: definitions, land classifications, maximum noise levels, measurement techniques, exemptions, and procedures for granting variances and enforcing standards.

However, East Granby's ordinance is narrower in scope than the other four ordinances; its provisions are limited to definitions, continuous noise level limits, and exemptions.

Below, we describe the ordinances' core provisions and identify their variations. Generally, the core provisions' content is consistent across ordinances, and the ordinances establish standards matching, rather than more stringent than, those in DEEP's regulations (e.g., identical maximum continuous and impulse noise levels). The ordinances' primary differences concern certain definitions, exempted noise sources, and enforcement procedures. Enforcement procedures have the most variation, as the enforcing entity, applicable fine, and appeals procedure differ across jurisdictions.

COMPARISON OF NOISE ORDINANCES

Definitions

Four of the five ordinances include an extensive definitions section with numerous general (e.g., daytime, demolition, emergency work) and acoustic (e.g., impulse noise, decibel, peak sound pressure level) terms. Conversely, East Granby's ordinance defines only "daytime," "nighttime," "decibel," and "noise level." Although the ordinances include different terms based on their exemptions, enforcement procedures, and technical detail, they generally define terms similarly, with the exception of daytime and nighttime (see below).

Land Classifications

The noise ordinances set limits based on (1) the source of the noise (emitter class) and (2) where the noise is heard (receptor zone). There are three categories of classes and zones: industrial, commercial, and residential.

The five ordinances differ in how they assign property to the three categories. Durham and Old Lyme classify parcels based on the use for which they are zoned, while TAHD classifies parcels based on actual use. Westbrook generally classifies parcels based on their zoned use, but in some situations, it bases the classification on actual use (e.g., commercial parcels used for residential purposes are classified as residential). East Granby does not specify whether parcels are classified based on actual, or zoned for, use.

Noise Level Limits

All five ordinances set continuous noise level limits identical to those in DEEP's regulations (Conn. Agencies Regs. § [22a-69-1 et seq.](#)). "Continuous noise" is ongoing noise that remains at a measurable level of intensity without interruption

over an indefinite or specified period of time. The regulations set maximum allowable continuous noise levels that vary by emitter class; receptor zone; and, for residential receptor zones, time of day, as shown in Table 1.

Table 1: DEEP’s Maximum Continuous Noise Levels (measured in dBA)

Emitter Class	Receptor Zone		
	Industrial	Commercial	Residential (day/night)
Industrial	70	66	61/51
Commercial	62	62	55/45
Residential	62	55	55/45

The definitions of daytime and nighttime vary among the compared ordinances. The ordinances define daytime as:

1. 7:00 am - 10:00 pm Monday through Saturday and 9:00 am - 10:00 pm on Sunday (East Granby, TAHD, and Westbrook);
2. 7:00 am - 9:00 pm Monday through Saturday and 9:00 am - 9:00 pm on Sunday (Durham); and
3. 7:00 am – 10:00 pm, with no change for Sunday (Old Lyme and DEEP’s regulations).

All other times are considered nighttime.

The ordinances (except for East Granby) additionally include maximum impulse noise levels identical to those in DEEP’s regulations, which prohibit impulse noise emissions exceeding (1) 100 dB peak sound pressure to any receptor zone and (2) 80 dB peak sound pressure to a residential receptor zone at night. “Impulse noises” are of a short duration (generally less than one second), high intensity, abrupt onset, and rapid decay.

The ordinances (except for East Granby) also limit certain motor vehicle noises that the Department of Motor Vehicles (DMV) does not regulate. For example, they prohibit sound amplifying devices on or within motor vehicles from emitting noise exceeding the noise level limits established for stationary noise sources. DMV regulates overall vehicle noise (e.g., muffler noise). For a detailed discussion of motor vehicle noise limits, see OLR Report [2009-R-0205](#).

Measurement Techniques

The compared ordinances include requirements concerning noise measurement equipment and procedures. Except for East Granby, they generally require that (1)

individuals taking measurements be trained in sound measurement techniques and (2) instruments be calibrated and used pursuant to the manufacturer's instructions.

Durham, East Granby, TAHD, and Westbrook require that emitted noise measurements be taken about one foot beyond the boundary of the emitter's premises and within the receptor's premises. (DEEP's regulations require the same method.) Old Lyme requires only that the measurement be taken within the receptor's premises and beyond the boundary of the emitter's premises.

Exemptions

Both DEEP's regulations and the five ordinances we reviewed establish exemptions from the noise level limits. In general, the exemptions include, among other things, sounds from:

1. natural phenomena,
2. construction equipment operated during the day,
3. safety signals and equipment,
4. farming activity,
5. leaf and garbage collection,
6. domestic power equipment operated during the day,
7. fire and intrusion alarms,
8. emergencies,
9. snow removal equipment, and
10. short public celebrations.

Some exemptions are unique to specific jurisdictions, such as:

1. noise related to public utilities (Old Lyme and East Granby);
2. noise created by products undergoing testing to determine how much noise they produce (Old Lyme);
3. noise from certain motor vehicles being loaded or unloaded (East Granby); and

4. bells and chimes associated with clocks, schools, and churches (TAHD, Durham, and Westbrook; East Granby and Old Lyme exempt noise from bells, carillons, and chimes only if it is related to specific religious observances).

Variances

Four of the five ordinances include procedures for requesting a variance, which is an exception to the applicable noise limit granted to a specific emitter at the regulating entity's discretion. Durham, TAHD, and Westbrook grant variances only from ordinance provisions that are more stringent than DEEP's regulations. Because these three ordinances incorporate maximum noise levels identical to those in DEEP's regulations, there are limited circumstances under which a variance is possible (e.g., a definition or exemptions list that is more restrictive than DEEP's). Old Lyme considers variance applications without regard to DEEP's standards, and East Granby does not provide for variances.

The ordinances use nearly identical criteria for granting variances. An applicant must show that (1) noise levels generated by the proposed activity will not endanger public health and (2) compliance would be an unreasonable hardship on the applicant. (DEEP uses the same standard in determining whether to grant a variance from its noise regulations.) All four ordinances with variance procedures require applicants to submit similar information about the activity for which they require a variance (e.g., the activity's location, hours of operation, technical and economic justifications, and proposed noise control measures).

Enforcement

Four of the five ordinances include varying provisions concerning enforcement of maximum noise levels (East Granby does not have enforcement provisions). In the compared ordinances, (1) enforcing authorities include the police chief, first selectman, board of selectmen, board of directors, and director of health; (2) the daily penalties range from \$20 to \$400; and (3) appeals procedures range from detailed (e.g., Durham) to not specified (e.g., Westbrook).

Table 2 lists, for each jurisdiction, the enforcing entity, applicable fine, entity to which an appeal is made, and timeframe for filing an appeal.

Table 2: Comparison of Enforcement Provisions

	Enforcing Entity	Fine	Entity to which Appeal is made and Timeframe for Filing Appeal
Durham	Chief of Police or First Selectman	Up to \$100 each day the violation continues	Appeal to Board of Selectmen within 10 days after emitting violating noise Board may alternatively use appeals procedure under CGS § 7-152(c) , which provides for a hearing before a citation hearing officer
East Granby	<i>Not specified</i>	<i>Not specified</i>	<i>Not specified</i>
Old Lyme	Director of Health	\$20-90 each day and each night the violation continues	Appeal to Director of Health within 5 days after violation notice is issued
TAHD	Board of Directors or designee	<i>Not specified</i>	Board of Directors must hold hearing within 10 days after issuing a cease and desist order
Westbrook	Board of Selectmen or designee	First day of violation: up to \$25; doubles each day the violation continues, up to \$400 a day	<i>Not specified</i>

HYPERLINKS

DEEP Noise Pollution Control Website (including PDFs of all approved noise ordinances):
http://www.ct.gov/deep/cwp/view.asp?a=2684&q=322150&deepNav_GID=1619, last visited May 12, 2014.

JB:am