

ORDINANCE NUMBER 02-07-05-1

**AN ORDINANCE OF THE CITY OF NEW LONDON, CONNECTICUT, PROVIDING FOR THE CONTROL OF NOISE POLLUTION WITHIN THE CITY OF NEW LONDON.**

**WHEREAS**, the City of New London wishes to regulate noise within its City Limits; and

**WHEREAS**, Connecticut General Statutes Chapter 442, §22a-67, *et seq.*, authorizes a municipality to regulate noise by local ordinance; and

**WHEREAS**, exposure to loud, excessive and/or unnecessary noise affects and hinders the public health, safety and welfare of the City's citizens and guests; and

**WHEREAS**, the City wishes to protect the public health, safety and welfare of all of its citizens and guests.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEW LONDON:**

**Section 1.** That the code of ordinances of the City of New London be amended by adding a section to be numbered \_\_\_\_\_ to read as follows:

**A. Definitions**

The following definitions shall apply in the interpretation and enforcement of this ordinance. Where terms are not defined under this section and are defined in the noise regulations of the Connecticut Department of Environmental Protection (Sections 22a-69-1.1, *et seq.*), they shall have the same meaning ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings.

1. "Construction" shall mean any and all physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

2. "Daytime hours" shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. on Sunday (local time).

3. "Excessive noise" shall mean emitter noise zone levels from noise sources exceeding the standards set forth in Section 3 of this ordinance beyond the boundary of the emitter's noise zones.

4. "Mobile sources of noise" shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

5. "Nighttime hours" shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday through Friday, and between 10:00 p.m. and 8:00 a.m. Saturday (local time).

6. "Noise zone" shall mean an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, water bodies, and waters of the State of Connecticut.

7. "Site" shall mean the area bounded by the property line on or in which a source of noise exists.

8. "Sound level meter" shall mean any instrument that is capable of measuring sound levels. The sound level meter shall conform to all applicable state and federal standards.

## **B. Classification of Noise Zones**

1. Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as described on the zoning map and in the zoning regulations of the town. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards specified in Section 3 of this ordinance.

2. **Class A Noise Zone/Uses.** Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves, historic and monument sites, and vacant land zoned for residential or related uses requiring such protection.

3. **Class B Noise Zone/Uses.** Lands designated Class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, government services, educational institutions, amusements, agricultural activities, automotive dealers and gasoline service stations, restaurants, bars and nightclubs, marinas and other water dependent uses, and vacant lands zoned for such commercial or institutional uses.

4. **Class C Noise Zone/Uses.** Lands designated Class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses.

**C. Noise Zone Standards.**

No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

Receptor Noise Zone Class

	C	B	A- Day	A- Night
Class C emitter to	70 dBA	66dBA	61dBA	51dBA
Class B emitter to	62 dBA	62dBA	55dBA	45dBA
Class A emitter to	62dBA	55dBA	55dBA	45dBA

**D. Exclusions.**

These regulations shall not apply to the following:

1. Sound generated by natural phenomena.
2. The unamplified sounding of the human voice.
3. The unamplified sound made by any wild or domestic animal.
4. Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations.
5. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management.
6. Sound created by safety and protective devices.
7. Farming equipment or farming activity.
8. Back-up alarms required by OSHA or other state or federal safety regulations.
9. Sound created by a mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle.

## **E. Exemptions.**

Exempted from this ordinance are the following:

1. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted during daytime hours provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

2. Noises created by snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

3. Noise created as a result of, or relating to, an emergency.

4. Construction noise.

5. Noise created by blasting other than that conducted in connection with construction activities shall be exempted 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.

6. Patriotic or public celebrations not extending longer than one calendar day.

7. Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, telephone, cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.

## **F. Measurement Procedures.**

All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed. The sound level meter shall be calibrated before and after each set of measurements. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises.

**G. Enforcement - Penalty.**

1. The City of New London Police Department shall be responsible for making noise level measurements and enforcing this ordinance. Whenever the responsible police officer makes a determination that there has been a violation of any provision of this ordinance, he shall issue a written order to such person(s) responsible for the violation specifying the nature of the violation and affording a reasonable time for its correction or remedy. If said order is not complied with as directed by the officer, the officer shall issue a citation.

2. Any person in violation of any of the provisions of this ordinance shall be fined in an amount not to exceed \$100. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed shall be considered a separate violation of this ordinance.

**Section 2.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED: **FEB 07 2005**

SIGNED: *Jane L. Glavin*  
MAYOR

COUNTERSIGNED: *Michael J. Tranchida*  
CITY CLERK

Michael J. Tranchida, City Clerk

Many, if not all, of the provisions of this ordinance have been repealed by the City Council in an additional ordinance adopted on February 7, 2005

Chapter 14

OFFENSES AND MISCELLANEOUS PROVISIONS\*

Sec. 14-1. Misusing, mutilating public property.

No person shall break or in any manner mutilate, deface, injure or misuse any public toilet, bench, seat, railing, wharf, fence, structure or any other thing in any of the parks, beaches or other public places in the city. (Ord. of 8-27-23, § 2)

Cross reference—Streets, sidewalks and public places, Ch. 18.

Sec. 14-2. Injuring, tampering with public lighting.

No person shall injure any street light or interfere or tamper with the lighting of any public park, street or way. (Ord. of 8-27-23, § 3)

Cross reference—Streets, sidewalks and public places, Ch. 18.

Sec. 14-3. Noises. \* SEE: 02-07-05-1  
NOISE ORDINANCE

(a) It shall be unlawful for any person to use, play or operate, for any purpose whatever, any loudspeaker or sound-amplifying device attached to or on any vehicle moving or standing on any highway or public place in the city, or in any place where the sound therefrom is cast directly upon any of said highways or public places, without first obtaining a permit from the chief of police or his designee[; provided, however, that:]

- (1) Permits shall not be granted for advertising or commercial use.
- (2) Such device shall only be operated from 9:00 a.m. to 9:00 p.m. on weekdays and Saturday and 1:00 p.m. to 5:00 p.m. on Sunday.

\*Cross references—Crime prevention and police protection, Ch. 7.1; police department, § 15-56 et seq.

State law references—Bribery, § 149 et seq., Penal Code, P.A. No. 828, 1969; criminal mischief, § 117 Penal Code, P.D. No. 828, 1969; loitering on school grounds, § 187, Penal Code, P.A. No. 828, 1969; protection of morals of minors, § 53-21, Gen. Stats.

- (3) Sound volume shall be controlled so that it is not heard beyond one hundred (100) feet.
- (4) Such device shall not be operated in the vicinity of hospitals, or schools while in session, or churches while services are being conducted.
- (5) Nothing in this section shall be deemed to prohibit the use of such devices on vehicles of the City of New London while engaged upon necessary public business or on emergency vehicles.

(b) It shall be unlawful for any person to use, play or operate any loudspeaker or sound-amplifying device from any stand, platform or any other structure or part of any structure which abuts or is adjacent to a public place or street or to use, play or operate any loudspeaker or sound-amplifying device which is attached to the outside of any building, or premises abutting or adjacent to a public place or street, without first obtaining a permit from the chief of police or his designee, except for public functions or emergency use. Permits shall list the specific days and hours of operation as determined by the needs of the applicant and the comfort of the public.

(c) It shall be unlawful for any person to use, play or operate any loudspeaker or sound-amplifying device from any airplane, or any other device or machine used for flying over the city or anywhere over or on the public streets, without obtaining a permit from the chief of police or his designee.

(d) It shall be unlawful for any person to use, play or operate any portable device, radio or apparatus or any sound-producing device on any public transportation, public beach, street, park or place or in any public building, which can be heard by other than the person using such instrument.

(e) It shall be unlawful for any person in a residential area to permit any sound, music, activity or noise caused by work, amusement or other reason, or resulting from a sound-producing device or apparatus for reproduction or

amplification of the human voice or instrument, to be heard within the confines of another's home or premises, and it shall be unlawful for such sounds to be heard within the scope of any other person's property line before 8:00 a.m. and after 11:00 p.m., Monday through Friday, before 8:00 a.m. Saturday and after 1:00 a.m. Sunday, and before 10:00 a.m. Sunday and after 11:00 p.m. on Sunday.

(f) It shall be unlawful for any person residing or doing business in a commercial area to cause or permit any sound, music, activity or noise created by work, amusement or other reason, or resulting from a sound-producing device or apparatus for the reproduction or amplification of the human voice or instrument, to be heard within the confines of another's home or premises before 8:00 a.m. and after 11:00 p.m., Monday through Thursday, before 8:00 a.m. and 1:00 a.m. on Friday and Saturday, and from 10:00 a.m. through 11:00 p.m. on Sundays. At all times the controlled so that it is not heard beyond fifty (50) feet from the outside of such premises.

Places of public amusement under the supervision and control of the city shall be exempt from this subsection.

(g) It shall be unlawful for any person in control of a vehicle, whether inside or outside of such vehicle, to park on a public street, highway, park or place and use, play or operate the car radio, or any device producing sound, which can be heard outside the vehicle.

(h) When emergency conditions exist due to gas leaks, water main breaks, etc., necessary repairs may be made at any time to contain the emergency condition until such situation can be corrected properly within acceptable hours. In situations where repairs may produce excessive noise in conflict with this section, a special permit may be issued.

(i) Violation of any provision of this section shall be deemed a misdemeanor and shall be punishable by a fine of not more than two hundred dollars (\$200.00). (Ord. of 12-3-62, §§ 1—4; Ord. of 9-15-80, § 1)