

## ARTICLE 12 - Noise Regulation

### Sec. 10-12-10. - Legislative declaration.

It is hereby declared that protection and preservation of the home is of the highest importance; that unnecessary and excessive noise is a significant source of environmental pollution that threatens the public health, welfare, tranquility and good order of the community; and that the prohibitions and other protections set forth in this Article are enacted to secure and promote public peace, welfare, comfort and health.

(Ord. 2007-O-16 §1)

### Sec. 10-12-20. - General prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive or unusually loud noise which:

- (1) Disturbs, annoys or endangers the peace, repose, comfort, safety or health of others; or
- (2) Endangers or injures personal or real property.

(Ord. 2007-O-16 §1)

### Sec. 10-12-30. - Exceptions.

The provisions of this Article shall not apply to:

- (1) Operation of emergency vehicles when acting in times of emergency.
- (2) Operation of trains, aircraft or other activities subject to federal law with respect to noise control.
- (3) Mechanical devices, apparatus or equipment used, related to or connected with any emergency machinery, vehicle or work when responding to an emergency.
- (4) Operation of snowplows.
- (5) Use of property by the State, any political subdivision thereof or any other not-for-profit entity, or any lessees, licensees or permittees of the same, for promotion, producing or holding of occasional public cultural, athletic, entertainment or patriotic events for which prior City consent or permit has been obtained in writing.
- (6) Noises emanating from any school property as a result of usual and customary uses of such school property during school or school-sponsored events, including but not limited to school band practices and performances.
- (7) Public utility operations regulated pursuant to state law.
- (8) Lawful professional outdoor fireworks displays permitted pursuant to Article 10, of this Chapter 10.

(Ord. 2007-O-16 §1)

### Sec. 10-12-40. - Penalty for violations.

- (a) Any penalty assessment or summons and complaint which issues for violation of this Article shall be signed by an officer witness, or by at least two (2) complaining witnesses from separate households who are willing to testify at trial, in addition to the signature of the serving officer, or by only one (1) complaining witness other than the serving officer if there exists other evidence admissible at trial to prove a prima facie case of a violation of this Section.
- (b) Any person who violates this Article commits a minor offense, and upon conviction thereof, shall be punished by a fine of not more than the maximum fine amount authorized in Section 1-4-10 of this Code, with a minimum fine of one hundred dollars (\$100.00) for a first offense, two hundred dollars (\$200.00) for a

second offense and four hundred dollars (\$400.00) for a third and any subsequent offense. A mandatory court appearance shall be required for any third or subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed by the arresting Sheriff's deputy or other officer for any violation of this Article, and the graduated fine schedule set forth herein shall be followed when issuing any penalty assessment or summons and complaint in accordance with such procedure.

(Ord. 2007-O-16 §1; Ord. 2013-O-19 §21)

Sec. 10-12-50. - Other remedies.

Violations of this Article are also declared to be a public nuisance for which the City may, in addition to the remedy for violation set forth in Section 10-12-40 above, seek summary abatement or abatement by other means, including seeking a restraining order or injunction issued by a court of competent jurisdiction. This Article shall not be construed to conflict with the right of any person to maintain any private action for damages or to abate a noise nuisance as provided by law.

(Ord. 2007-O-16 §1)