

10.20.100. - Unreasonable noises prohibited—Prima facie unreasonable noises.

Notwithstanding section 10.20.110, it is unlawful to intentionally, knowingly or recklessly make, permit or assist another to make unreasonable noise in a public place or near a private residence that a person has no right to occupy, which, under all of the circumstances presented, would cause a person of ordinary sensitivities significant annoyance and irritation. The following noises and circumstances shall be deemed as prima facie unreasonable in the context, however, of the above standards:

- A. Amplified sound as defined at section 13.37.020 of this Code audible 25 feet from the source of said sound or within a private residence that the person responsible for the sound has no right to occupy; or
- B. Nonlicensed motor vehicle engines, nonvehicular engines and electric and pneumatic tools operated between 10:00 p.m. and 7:00 a.m. and audible 25 feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy; or
- C. Repair or adjustment of a motor vehicle or other types of machinery or equipment between 10:00 p.m. and 7:00 a.m. which is audible 25 feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy; or
- D. A gathering of persons engaged in loud and continuing activities continuing for a minimum of 15 minutes between 10:00 p.m. and 7:00 a.m. and audible 25 feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.

Except that amplified sound of 80 decibels or less as measured from the perimeter of the area covered by a use of public places permit for a special event issued pursuant to chapter 13.37 of this Code and city operations such as mowing and maintenance shall not constitute an unreasonable noise.

(Code 1993, § 10.20.100; Ord. No. O-92-51, § 1; Ord. No. O-2012-89, § 2, 12-18-2012)

10.20.110. - Maximum permissible sound pressure levels—Definitions—Exceptions.

- A. Notwithstanding section 10.20.100, and except under conditions of emergency or manifest necessity, or for motor vehicle noise as regulated by section 225 of the Model Traffic Code, it is unlawful to make, cause to be made or assist another to make noise measured at a distance at least 25 feet from a noise source as set forth in the table immediately below between 10:00 p.m. and 7:00 a.m., unless the prohibited noise pressure level is contained entirely within the confines of private property which the person making or assisting such noise has a right to occupy. Such noise shall be measured pursuant to the "A" weighted sound pressure level measured with a sound level meter using the "A" weighting network. The standard unit notation is dB(A).

**TABLE 10.20.110 A
NIGHTTIME NOISE STANDARDS**

Premises Receiving Sound	Maximum Nighttime Sound Level db(A)
Zone	
Residential	50 dB(A)
Commercial	55 dB(A)
Industrial	75 dB(A)

- B. Notwithstanding section 10.20.100, and except under conditions of emergency or manifest necessity, it is unlawful to make, cause to be made or assist another to make noise measured at a distance at least 25 feet from a noise source as set forth in the table immediately below between 7:00 a.m. and 10:00 p.m., unless the prohibited noise pressure level is contained entirely within the confines of private property which the person making or assisting such noise has a right to occupy. Such noise shall be measured pursuant to the "A" weighted sound pressure level measured with a sound level meter using the "A" weighting network. The standard unit notation is dB(A).

TABLE 10.20.110 B
DAYTIME NOISE STANDARDS

Premises Receiving Sound	Maximum Daytime Sound Level db(A)
Zone	
Residential	55 dB(A)
Commercial	65 dB(A)
Industrial	75 dB(A)

- C. Residential dwelling units located in the same building as, or on the same lot as a nonresidential use shall be considered "commercial" premises for the purposes of Table 10.20.110 B, i.e., a maximum 65 dB(A) shall apply.
- D. Additional noise standards and exemptions for specific operations and activities:
1. *Refuse collection/loading.* No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards stated above when measured at a distance of 50 feet from the equipment when inside of or within 500 feet of a residential zone. No refuse loading or collection shall take place between the hours of 7:00 p.m. and 7:00 a.m.
 2. *Truck/rail loading.* Except for truck loading at retail grocery stores, no truck or rail loading or unloading is allowed within 250 feet of a residential lot between the hours of 10:00 p.m. and 7:00 a.m.
 3. *Homeowners' outdoor equipment.*
 - i. No person shall operate engine or motor-powered lawn or maintenance tools intended for use in residential areas such as power mowers, leaf blowers, garden tools, riding tractors, power saws, edgers, and similar equipment that would create a noise that exceeds the fixed source standards stated above, except between the hours of 7:00 a.m. and 10:00 p.m.
 - ii. Where applicable, homeowners' outdoor equipment shall have mufflers that are kept in good working condition.
 - iii. Snow blowers and snowplows are exempted from the time requirements of this section when necessary to remove ice and snow.
 4. *Construction activities.* No activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereof, including land clearing, grading, excavating and filling shall occur between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday or before 9:00 a.m. on Sundays, within a residential area or within 500 feet of a school, except for temporary conditions approved by the economic development director.

5. *Exemptions.* The following operations and activities are exempted from the limitations of this section:
 - i. Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
 - ii. Noises resulting from authorized public activities such as parades, fireworks displays, sports activities and events, musical productions, and other activities to the extent they are approved and limited by the city.
- E. When the noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone applies.
- F. As used in this section:
 1. "Commercial" means any area of offices, clinics, automobile service stations, shopping, financial, restaurant, entertainment and similar facilities and institutions.
 2. "Condition of emergency" means a sudden, unexpected or unforeseen occurrence or condition involving a real threat to human life or safety, or requiring immediate response to protect or preserve property.
 3. "Industrial" means an area in which commodities are manufactured, processed or fabricated, and shall conditionally include railroad rights-of-way.
 4. "Manifest necessity" means that compliance with the sound pressure levels will cause undue hardship and:
 - a. The activity, operation or sound source will be strictly limited to the least amount of time required, and even with the application of the best available control technology cannot be done in a manner that would comply with this section; and
 - b. No reasonable alternative is available to comply with this section by restricting noncompliant sound pressure sources to times between 7:00 a.m. and 10:00 p.m.
 5. "Residential" means any area of single or multifamily dwellings, transient lodging facilities, hospitals, nursing homes and similar facilities and institutions.
- G. Any person responsible for noise limitations may petition the city manager or designee for a temporary hardship permit setting forth the basis of the undue hardship in writing, the anticipated duration of the condition creating hardship and any other relevant matters in the issues set forth below. A temporary hardship permit shall be granted if it is found that the activity, operation or noise source will be of temporary duration, and that compliance with the sound pressure standards of this section cannot reasonably be obtained. No temporary permit may be issued for a period exceeding 90 days, and the city manager or designee reviewing the application shall set any conditions, limitations or requirements necessary to minimize adverse effects upon the impacted area of the noise. An aggrieved party may appeal the decision of the city manager to the city council within seven days of the order of approval or denial of the hardship permit request. An aggrieved party may appeal the decision of the city council pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(Code 1993, § 10.20.110; Ord. No. O-2003-52, § 1; Ord. No. O-92-51, § 1; Ord. No. O-2012-89, § 3, 12-18-2012)