

Sec. 38-441. - Noise disturbances prohibited.

(a) *General provisions.*

- (1) It shall be unlawful for any person or entity to knowingly, willfully or recklessly make, permit, cause to be made, or continue any noise from whatever source which noise is projected in such a manner that by its sound level and duration constitutes an unreasonable noise within the city. For purposes of this Section 38-441, code compliance officers and police officers shall apply but need not be limited to applying, the following factors to determine whether a noise constitutes a violation of this section, as follows:
  - a. The time of day;
  - b. The size of any gathering of persons creating or contributing to the noise;
  - c. The presence or absence of noise or sound amplification equipment;
  - d. Sound pressure levels measured on a sound level meter of standard design and operation on the A network, which indicate the noise level is in violation of the sound level standards contained in subsection (c), Table A, herein; and
  - e. Any other factors tending to show the magnitude and/or disruptive effect of the noise.
- (2) It shall be unlawful for any person or entity to knowingly, willfully, or recklessly cause or permit or to continue any noise when:
  - a. The noise is plainly audible at a distance of more than 25 feet from a vehicle in any right-of-way; or
  - b. The noise is plainly audible more than 25 feet from its source including, but not limited to, any vehicle within any public place during the hours when businesses are open to the public;
  - c. The noise is plainly audible within any public right-of-way more than 25 feet from its source.Such circumstances and such facts presented shall constitute prima facie evidence and shall be deemed a per-se violation of this section.
- (3) In addition to subsection (a)(1), the following are declared to be noises or sounds which by their sound level and duration disturb, or tend to disturb, the repose of the community and which shall constitute a violation of this subsection (a)(3); provided, however, that the following list is not a limitation of subsection (a)(1) of this section and is not inclusive:
  - a. Bells and chimes or any device for the production or reproduction of the sound of bells or chimes operated between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day and is in violation of the sound level standards contained in subsection (c), Table A herein.
  - b. The use or operation of any type of audio or video system, noisemaker or loudspeaker or public address system operated or used on public or private property for any purposes including, but not limited to, vending, advertising, announcements or notifications, or any device used for transmitting music or for giving instructions, talks or lectures to any assembly of persons which results in a noise which is plainly audible across the property line of any property used for residential purposes, unless otherwise permitted by subsection (c)(10) herein.
  - c. Any noise that is plainly audible through a common wall, ceiling or floor of a mixed-use building or multi-dwelling building.
  - d. Any animal or bird which by frequent or habitual howling, barking, yelping, meowing, squawking, squealing or other noise, creates a plainly audible sound.
  - e. Any steam engine, stationary internal combustion engine, air compressor, motorboat, motor vehicle or other power device which is not equipped with a muffler in good working order that is in constant operation and properly maintained and which use is in violation of the sound level standards

contained in subsection (c), Table A, except as provided in subsection (b)(7) herein. No such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

- f. Operating a vehicle that is improperly loaded or so out of repair that it creates noise in excess of the sound level standards contained in subsection (c), Table A, herein.
- g. Operation of a dynamic braking system device that is without a muffler in good working order.
- h. Loading operations:
  1. The loading or unloading operations conducted at anytime, which operations include but are not limited to opening or handling boxes, crates, containers, or other objects within or from a truck or otherwise, in such a manner as to create a noise or sound which is in violation of the sound level standards contained in subsection (c), Table A, herein.
  2. Loading of any garbage, trash or compactor truck or any other similar type vehicle, when:
    - i. The loading, unloading or handling is conducted within a residentially zoned district or within 300 feet of any residential home, hotel or motel building,
    - ii. Is between the hours of 10:00 p.m. and 7:00 a.m., and
    - iii. When such loading or unloading creates noise in violation of the sound level standards contained in subsection (c), Table A, herein.

- (4) Areas around public or private schools, churches or courthouses while such are in use, hospitals, nursing homes, or homes for the aged are especially sensitive to noise. When provided with conspicuous signs displayed on adjacent or surrounding streets, an area containing one of these uses may be declared a quiet zone.

(b) *Exclusions.*

- (1) Activities directly connected with the abatement of an emergency, including, but not limited to, construction activities and authorized emergency vehicles when such vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law or when responding to but not returning from a fire, are excluded from the provisions of this section.
- (2) Bells and chimes or any device for the production or reproduction of the sound of bells or chimes from any church, school, or clock, operated between the hours of 7:00 a.m. and 10:00 p.m., are excluded from the provisions of this section.
- (3) Firework displays, which otherwise comply with this Code, are excluded from the provisions of this section.
- (4) Activated burglar alarms, which otherwise comply with this Code, are excluded from the provisions of this section.
- (5) Operations that create sound related to the care and maintenance of public or private golf course facilities between the hours of 5:30 a.m. and 7:00 p.m., are excluded from the provisions of this section.
- (6) Snow removal equipment operated between the hours of 5:00 a.m. and 9:00 p.m. on any day on which snow has fallen in the prior 24 hours at the location where such equipment is being used are excluded from the provisions of this section. Government operated snow removal equipment is excluded from the provision of this section regardless of the time of day.
- (7) Any power generator providing emergency electrical power at any government owned or operated facility or any hospital or emergency health care facility where the loss of electrical power poses an immediate risk is excluded from the provisions of this section. Any routine testing is also excluded only if such testing is performed between 7:00 a.m. and 7:00 p.m. and conducted in the minimum amount of time designated for routine testing by the manufacturer's guidelines.

(c) *Noise sound level standards.*

- (1)

Sound pressure levels shall be measured at the approximate location of the property line or, for motor vehicles, at least 25 feet from the motor vehicle, at a height of at least four feet above the immediate surrounding grade, on a sound level meter of standard design and operated on the A network.

- (2) The maximum permissible sound pressure levels of any continuous source of sound is given in subsection (c), Table A, Sound Pressure Level Limits. Sound pressure levels in excess of the limits for the district in which the source is located are considered an unreasonable noise and are prohibited.

Table A. Sound Pressure Level Limits

District	dB(A) During the Day, 7:00 a.m. to 7:00 p.m.	dB(A) During the Night, 7:00 p.m. to 7:00 a.m.
All Residential Districts	55	50
Nonresidential Districts Except Industrial	60	55
Industrial Districts	80	75

- (3) The repairing, rebuilding or testing of any type of motor vehicle and the operation of machinery, equipment, pump, air conditioning apparatus or similar mechanical device shall be subject to the maximum permissible sound pressure levels in subsection (c), Table A, for the district in which the source is located.
- (4) The standards in subsection (c), Table A, do not apply to any sources of sound that have their own set of standards in this section.
- (5) Construction activities as defined in Section 38-1 are prohibited within any zoning district, except an industrial district, between the hours of 9:00 p.m. and 6:00 a.m. At all other times, construction activities are subject to sound pressure level limits for industrial districts given in subsection (c), Table A.
- (6) Within enclosed places of public entertainment, when individuals are subject to sound levels and exposure durations exceeding those shown in subsection (c), Table B, all feasible administrative or engineering controls shall be utilized to protect against the effects of such noise exposure.

Table B

Exposure Duration Per Day (hours)	Sound Level dB(A) Slow Response
8	90
6	92
4	95

3	97
2	100
1.5	102
1	105
0.5	110
0.25 or less	115

- (7) No person or entity shall operate or permit to be operated on private property or in the public right-of-way within any zoning district, except for an industrial district:
- Domestic or commercial power equipment between the hours of 9:00 p.m. and 6:00 a.m.; or
  - Any commercial power equipment which exceeds a sound pressure level of 88 dB(A) between the hours of 6:00 a.m. and 9:00 p.m.; or
  - Any domestic power equipment which exceeds a sound pressure level of 80 dB(A) between the hours of 6:00 a.m. and 9:00 p.m.
- (8) It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved any motor vehicle which emits a noise that exceeds the following sound pressure levels:
- Eighty dB(A), for any motor vehicle with a manufacturer's gross vehicle weight less than 6,000 pounds or any combination of motor vehicles towed by such a motor vehicle; or
  - Eighty-eight dB(A), for any motor vehicle with a manufacturer's gross vehicle weight more than 6,000 pounds or any combination of motor vehicles towed by such a motor vehicle; except
  - These standards shall not apply to vehicles traveling on streets with a posted speed limit greater than 45 miles per hour.
- (9) It shall be unlawful to sound any horn or signal device on any vehicle on any street or highway within the city, except as a danger warning when an emergency exists. It is only lawful to use a horn or signal device as a danger warning for as long as the emergency exists or for a reasonable period of time. Any person using a horn or signal device as a danger warning has the burden of showing that an emergency or crisis did exist.
- (10) It shall be unlawful for any person to install, use or operate on a temporary basis a loudspeaker, any type of sound amplifying device or sound amplifying equipment in a fixed or moveable position or attached to or mounted on any motor vehicle for the purpose of giving instructions, directions, talks, addresses or lectures; or for transmitting music or sound to any person or assemblages of persons for events in areas zoned for commercial use and for government sponsored or co-sponsored special events intended to serve the community or a neighborhood without first obtaining a permit pursuant to this subsection. Permits may also be issued for any type of events permitted or allowed in a city park. Permitted events in city parks shall not create unreasonable noise as described in (a)(1) above, but are exempt from noise level standards contained in subsection (c), Table A.
- An applicant shall provide to the city clerk the following information:
    - Name, address, and telephone number for both the owner and user of the sound amplifying equipment or device;
    - The license number of the sound truck or other vehicle to be used (if applicable);

3. A general description of the sound amplifying equipment or device to be used and verification that the applicant has hired a person certified to use noise metering equipment to be present during the event to monitor the sound amplifying equipment to be used to insure compliance with the noise level standards contained in subsection (c), Table A, herein;
  4. A description of the intended purpose or need for use of the sound amplifying equipment or device; and
  5. The dates, times and locations in which the sound amplifying equipment or device will be used.
- b. A permit shall be issued within five business days by the city clerk on condition that the sound amplifying equipment or device will be operated only between the hours of 7:30 a.m. and 10:00 p.m., only on the dates specified and in compliance with the noise level standards contained in subsection (c), Table A, herein.
  - c. If the city has probable cause to believe that the applicant has violated any requirements of this subsection (c)(10) or any other City Code provision, the permit shall be automatically revoked by the Thornton police department.
  - d. Entities or organizations that are required to obtain a license from the city to operate pursuant to Chapter 42 of the Code are not eligible for a temporary permit under this subsection (c)(10) as operation of any sound amplification equipment will be regulated in connection with the operational license issued by the city.

(Ord. No. 2550, § 6, 7-12-99; Ord. No. 2953, § 5, 8-8-06; Ord. No. 3080, §§ 1, 2, 12-2-08; Ord. No. 3271, § 2, 10-8-13)