

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Noise Regulations
- 8.08 Burning Restrictions
- 8.12 Trash Collection and Disposal
- 8.16 Litter and Junk
- 8.20 Weeds
- 8.24 Nuisances
- 8.28 Fireworks Regulations
- 8.32 Sexually Oriented Businesses
- 8.34 Certain Medical Marijuana Businesses and Operations Prohibited
- 8.36 Control of Smoking
- 8.38 Retail Marijuana Establishments Prohibited
- 8.40 Disaster Emergency Regulations

Chapter 8.04

NOISE REGULATIONS

Sections:

- 8.04.010 Declaration of intent.
- 8.04.020 Definitions.
- 8.04.030 Maximum permissible noise levels.
- 8.04.040 Action to abate.
- 8.04.050 Applicability of state law.

8.04.010 Declaration of intent. The City Council finds and determines that the making and creating of unreasonable noise within the City limits is a detriment to the public health, comfort, convenience, safety and welfare of the City and may have an adverse physiological and psychological effect, thus contributing to an economic loss to the community. The City Council finds and determines that the provisions and prohibitions contained and enacted in this Chapter are necessary for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and peace and quiet of the City. (Ord. 4, 2022)

8.04.020 Definitions. The terms in this Chapter, unless otherwise indicated, shall have the same meanings defined in C.R.S. § 25-12-102, as now existing or hereafter amended. (Ord. 4, 2022)

8.04.030 Maximum permissible noise levels.

A. Every activity to which this Chapter is applicable shall be conducted in a manner so that any noise prohibited is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at distance of twenty-five (25) feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

| <u>Zone</u>      | <u>7:00 a.m. to next 7:00 p.m.</u> | <u>7:00 p.m. to next 7:00 a.m.</u> |
|------------------|------------------------------------|------------------------------------|
| Residential      | 55 db(A)                           | 50 db(A)                           |
| Commercial       | 60 db(A)                           | 55 db(A)                           |
| Light industrial | 70 db(A)                           | 65 db(A)                           |
| Industrial       | 80 db(A)                           | 75 db(A)                           |

B. Exceptions:

1. In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period.
2. Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection A of this section.
3. This Chapter is not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to noise control/
4. Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project.
5. All railroad rights-of-way shall be considered as

industrial zones for the purposes of this article, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.

6. This Chapter is not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

7. This Chapter is not applicable to the use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow

8. This Chapter is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays.

C. For the purposes of this section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour.

D. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. (Ord. 4, §2, 2022)

8.04.040 Action to abate. Whenever there is reason to believe that a nuisance exists, as defined in section 8.04.030(A) above, the City may maintain an action in equity in the district court of the judicial district in which the alleged nuisance exists to abate and prevent such nuisance and to perpetually enjoin the person conducting or maintaining the same and the owner, lessee, or agent of the building or place in or upon which such nuisance exists from directly or indirectly maintaining or permitting such nuisance. (Ord. 4, 2022)

8.04.050 Applicability of state law. C.R.S. §§ 25-12-101 - 25-12-110, as now existing or hereafter amended, shall govern the implementation of the duties, powers, immunities and other provisions set forth in this Chapter. (Ord. 4, 2022)