

Chapter 6¹
NOISE ORDINANCE

SECTIONS:

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5-6-1: Purpose

- A. The purpose of this ordinance is to preserve the quality of life, health, safety and welfare of the Town by preventing and reducing unnecessary noise. The Town's monitoring of activities and/or devices that create unreasonable noise and regulating periods of operation for beneficial activities which produce unreasonable noise will improve the quality of life for all the Town's residents. (Ord. 2-2014, eff. 3/6/2014)
- B. Section 5-2-1: 3 (defining "Noise Pollution") and section 5-2-2: E (making it unlawful "to generate, or allow to be generated, any Noise Pollution") set forth in Chapter 2 of Title 5 of the Town's Municipal Code are hereby repealed. (Ord. 2-2014, eff. 3/6/2014)

5-6-2: Definitions

- A. "**Amplified Outdoor Music**" means the use of musical instruments or sound equipment to produce or amplify sound that is not fully enclosed by permanent, solid walls and a roof. (Ord. 2-2014, eff. 3/6/2014)
- B. "**Domestic Power Equipment**" means any power equipment rated five horse power or less used for home or building repair or grounds maintenance, including but not limited to lawn mowers, garden tools, snow blowers and chain saws. (Ord. 2-2014, eff. 3/6/2014)
- C. "**Sound Equipment**" means a loud speaker, public address system, amplification system, or other sound producing device. (Ord. 2-2014, eff. 3/6/2014)

¹ Chapter 6 Noise Ordinance has been added to Title 5 by (Ord. 2-2014, eff. 3/6/2014)

- D. **"Unreasonable Noise"** shall mean any sound of such level, intensity or duration as may or tends to be injurious to human health or welfare measured by an objective standard of a reasonable person of normal sensitivity. (Ord. 2-2014, eff. 3/6/2014)
- E. **"Vehicle"** means any machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and includes, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon. (Ord. 2-2014, eff. 3/6/2014)

5-6-3: Unlawful Acts

- A. It is unlawful for any person to make, cause to be made, or to permit any unreasonable noise upon any premises or within any vehicle owned, possessed or operated or controlled by such person. (Ord. 2-2014, eff. 3/6/2014)
- B. Law enforcement personnel, including code enforcement officers, may, in the determination of whether a noise is unreasonable, consider factors that include, but are not limited to: (Ord. 2-2014, eff. 3/6/2014)
1. The time of day;
 2. The size of any gathering of persons creating or contributing to the noise;
 3. The presence or absence of noise amplification equipment;
 4. Any other factors tending to show the magnitude and/or disruptive effect of the noise.
- C. With regard to vehicles, the determination of unreasonable noise, in addition to the previously stated factors shall include, but not limited to: (Ord. 2-2014, eff. 3/6/2014)
1. The continuous or repeated sounding of any horn, alarm or signal device of a vehicle, except where an actual emergency or danger exists.
 2. The operation of any vehicle in a manner that causes unreasonable noise.
- D. With regard to amplified outdoor music, such music at a commercial establishment or event authorized by the Town is not permitted during the hours of 9:00 p.m. through 9:00 a.m. Sunday through Thursday or during the hours 11:00 p.m. through 9:00 a.m. on Friday, Saturday or on federal or state holidays. (Ord. 2-2014, eff. 3/6/2014)

5-6-4: Exceptions

The prohibitions set forth in the Section 5-6-3 shall not apply to sound from: (Ord. 2-2014, eff. 3/6/2014)

- A. Any bell or chime from any building clock, school or church; (Ord. 2-2014, eff. 3/6/2014)
- B. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm system used in case of fire, collision, civil defense, police activity or other imminent danger; (Ord. 2-2014, eff. 3/6/2014)
- C. Any domestic power equipment, except as provided in this subsection, operated on any residential, commercial, industrial or public space between 7:00 a.m. and 9:00 p.m. (Ord. 2-2014, eff. 3/6/2014)
- D. Any temporary construction, maintenance, or repair activities between 7:00 a.m. and 9:00 p.m. (Ord. 2-2014, eff. 3/6/2014)
- E. Activities directly connected with the abatement of an emergency. (Ord. 2-2014, eff. 3/6/2014)
- F. Noise from snow blowers, snow throwers and snow plows for the purpose of snow removal. (Ord. 2-2014, eff. 3/6/2014)

5-6-5: Temporary Exemption Application

- A. Applications for a temporary exemption from the provisions of this ordinance shall be made to the Board of Trustees. (Ord. 2-2014, eff. 3/6/2014)
- B. In approving or denying a temporary exemption, consideration shall be given to effective dates, hours of operation, type of noise, location, loudness, equipment noise characteristics and public health, safety and welfare. (Ord. 2-2014, eff. 3/6/2014)
- C. Any temporary exemption approved hereunder may provide for, without limitation, restrictions on effective dates, hours or operation, type of noise, location, loudness, and equipment type relating to that particular activity. (Ord. 2-2014, eff. 3/6/2014)

5-6-6: Enforcement and Penalties

- A. It is unlawful for any person or persons to violate any of the provisions of this ordinance. (Ord. 2-2014, eff. 3/6/2014)
- B. For a first offense of any provision of this ordinance, a penalty in the amount of \$100.00 shall be assessed. (Ord. 2-2014, eff. 3/6/2014)
- C. For each subsequent offense of any provision of this ordinance, a penalty in the amount of \$200.00 shall be assessed. (Ord. 2-2014, eff. 3/6/2014)
- D. The Town shall have all rights and remedies available under Colorado law to pursue the collection of any unpaid penalties assessed. (Ord. 2-2014, eff. 3/6/2014)

E. The Board of Trustees may promulgate rules and regulations or procedures to govern any temporary exemption or violation of this ordinance. (Ord. 2-2014, eff. 3/6/2014)

5-6-7: Severance Clause

A. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance. (Ord. 2-2014, eff. 3/6/2014)

5-6-8: Effective Date

This ordinance shall become effective upon 30 days after passage. (Ord. 2-2014, eff. 3/6/2014)