

**ORDINANCE CONCERNING NOISE LEVELS
IN UNINCORPORATED LARIMER COUNTY**

Ordinance No. 97-03

BE IT ORDAINED by the Board of County Commissioners of Larimer County:

Section 1. Purpose:

The Board of County Commissioners of Larimer County, Colorado, finds and declares that noise in excess of the limits provided in this Ordinance is a major source of environmental pollution which represents a threat to the serenity and quality of life in Larimer County, and excess noise often has an adverse physiological and psychological effect on human beings, thus contributing to an economic loss to the community.

Section 2. Scope Of Ordinance:

This Ordinance shall apply within the unincorporated territory of Larimer County.

Section 3. Definitions:

The following definitions shall apply to this Ordinance:

- a. "Construction Activities" means any and all activity incidental to the erection, demolition, assembling, alteration, installation or equipping of buildings, structures, roads or appurtenances thereof, including land clearing, grading, excavating, and filling.
- b. "Device" means any equipment or mechanism which is intended to produce or which actually produces sound when installed, used or operated.
- c. "Noise Disturbance" means any sound which is or may be:
 1. Harmful or injurious to the health, safety or welfare of any individual; or
 2. Of such a volume, frequency and/or intensity that it unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits; or
 3. Endangers or injures real or personal property or the conduct of business.
- d. "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of any association, partnership or corporation, or the state or any political subdivision of the state.

- e. "Property Boundary" means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.
- f. "Public Right-of-Way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.
- g. "Public Space" means any real property or structures thereon which are owned or controlled by a governmental entity.
- h. "Residential Property" means any parcel of ground occupied as a single or multi-family residence and either is located in a platted residential subdivision, planned unit development, minor residential development or in the R, R-1, R-2, E, E-1, M or M-1 zoning districts.
- i. "Sound" means an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- j. "Sound Level" means the weighted sound pressure level obtained by the use of the sound level meter and frequency weighing network, as specified in the American National Standards Institute specifications.
- k. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.
- l. "Sound Producing Device" means any equipment or machine for the production, reproduction or amplification of speech, music or other sound, including, but not limited to, radios, televisions, phonographs, tape players, musical instruments, compact disc or tape cassette players, walkie-talkies, CD radios or synthesizers.
- m. "Vehicle" means any machine in, upon or by which any individual or property is or may be transported or drawn upon over any highway, thoroughfare or ground, except those machines moved by human power or used exclusively upon stationary rails or tracks.

Section 4. Noise Disturbance Prohibited:

No person shall permit, make, cause to be made or continue any noise disturbance, nor shall any person or individual make any unreasonable noise in excess of the levels provided in Section 5 and measured as provided in Section 6 below.

Section 5. Maximum Permissible Noise Levels:

- a. A noise measured or registered in the manner provided in Section 6 below from any source at a level which is in excess of the db(A) established for the time period and land uses listed in this section is hereby declared to be excessive and unusually loud and is unlawful.
- b. In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in this section may be increased by ten db(A) for a period not to exceed fifteen minutes in any one hour period.

<u>Land Uses</u>	Maximum Noise [db(A)] 7:00 a.m. to <u>next 7:00 p.m.</u>	Maximum Noise [db(A)] 7:00 p.m. to <u>next 7:00 a.m.</u>
Residential property	55 db(A)	50 db(A)

Section 6. Classification and Measurement of Noise:

For the purposes of determining and classifying any noise as excessive or unusually loud and, as such, in violation of Section 5 above, the following test measurements and requirements shall be applied; provided, however, that a violation of Section 4 above may occur without the following measurements being made:

- a. Noise occurring within Larimer County shall be measured at a distance of at least 25 feet from a noise source located within the public right-of-way, and if the noise source is located on private property or public property other than the public right-of-way, the noise shall be measured at or within the property boundary of the residential property where the measurement is taken.
- b. The noise shall be measured on a weighing scale on a sound level meter of standard design and quality and in accordance with the standards promulgated with the American National Standards Institute.
- c. For the purposes of this Ordinance, measurements with sound level meters shall be made when a wind velocity at the time and place of such measurement is not more than five (5) miles per hour or twenty-five (25) miles per hour with a windscreen appropriately attached to the microphone.
- d. For the purposes of this Ordinance, a noise not in violation of the parameters specified in Section 5 constitutes a noise disturbance in violation of Section 4 when, in the reasonable discretion of Larimer County

Sheriff's officers, public health officials or zoning administrators, the noise constitutes an unreasonable interference with enjoyment of life, quiet, comfort or outdoor recreation of an individual or individuals of ordinary sensitivity or habits [who are] present at the time the noise is made.

- e. No person shall operate or cause to be operated any motor vehicle or motorcycle off a public right-of-way in such a manner that the sound level emitted exceeds the limits set forth in Sections 4 or 5 above except in areas otherwise designated for such activity.

Section 7. Exceptions:

The provisions of this Ordinance shall not apply to:

- a. Any noise resulting from any authorized emergency vehicle responding to an emergency call or acting in time of emergency.
- b. The operation of aircraft or other activities which are preempted by federal law with respect to noise control.
- c. Operation of agricultural equipment.
- d. Sponsored athletic events.
- e. General traffic and railroad noise.
- f. Notwithstanding any other provision of this Ordinance, construction or demolition projects shall be subject to the following maximum permissible noise levels:

Maximum
Noise [db(A)]
7:00 a.m. to
next 7:00 p.m.

Maximum
Noise [db(A)]
7:00 p.m. to
next 7:00 a.m.

80 db(A)

75 db(A)

Construction or demolition activities shall not be conducted between the hours of 7:00 p.m. and 7:00 a.m. unless in compliance with this Ordinance.

Section 8. Motor Vehicle Maximum Sound Levels On Public Rights Of Way:

- a. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the levels set forth below:

Vehicle Class (GVWR)	Speed limit of 35 mph or less (sound pressure level db(A))	Speed limit of greater than 35 mph (sound pressure level db(A))
Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds (4,536 kg) or more, or by any combination of vehicles towed by such motor vehicle.	86	90
Any other motor vehicle or any combination of vehicles towed by any motor vehicle, to include but not to be limited to automobiles, vans, light trucks or any motorcycle with a gross vehicle weight rating (GVWR) less than 10,000 pounds (4,536 kg).	80	84

- b. Noise shall be measured at a distance of at least twenty-five (25) feet from the near side of the nearest lane being monitored and at a height of at least four (4) feet above the immediate surrounding surface.
- c. The repeated sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space except as a warning of danger is declared to be in violation of this Ordinance.

Section 9. Violations and penalties:

- a. Knowing violation of this Ordinance shall constitute a Class II petty offense. Violations of this Ordinance may be enforced through the penalty assessment procedure set forth in Section 16-2-201, C.R.S.
- b. The graduated fine schedule for the penalty assessment procedure is:

\$30.00 for the first violation.

\$60.00 for the second violation within thirty (30) days of the first violation.

\$300.00 for each successive violation within thirty (30) days of the prior violation.

- c. In addition to any other penalty, persons convicted of a violation of this Ordinance shall be subject to a surcharge of \$10.00 paid to the Clerk of the Court.
- d. Any law enforcement officer, the Planning Director or the Environmental Health Official for Larimer County are authorized to issue citations, summonses and complaints for violation of this Ordinance.

Section 10. Prosecution:

All prosecutions for all offenses under this Ordinance shall be by the district attorney according to the Colorado County Court Rules of Criminal Procedure.

Section 11. Civil Enforcement:

The Board of County Commissioners of the County of Larimer may seek injunction, mandamus or other appropriate civil relief to enforce the provisions of this Ordinance.

Section 12. Effective Date:

This Ordinance shall become effective for all covered activities 180 days after adoption by the County Commissioners.

Section 13. Severability:

If any provision of this Ordinance is determined to be unconstitutional by any court of competent jurisdiction, the remaining provisions shall be deemed unaffected by said determination.

ADOPTED this 22nd day of September, 1997.

BOARD OF COMMISSIONERS OF
LARIMER COUNTY, COLORADO

Jim Disney
Chair, Board of County Commissioners

ATTESTATION:

I Myrna J. Rodenberger, Larimer County Clerk attest that the foregoing ORDINANCE TO CONTROL NOISE LEVELS IN UNINCORPORATED LARIMER COUNTY was read at a meeting of the Board of County Commissioners and has been published in full in a newspaper of general circulation for Larimer County at least ten (10) days prior to the date of its adoption, in compliance with Section 30-15-406 C.R.S. 1973, as amended.

Myrna J. Rodenberger
Clerk and Recorder