ORDINANCE NO. 19-18

AN ORDINANCE AMENDING CHAPTER 8.06 OF THE MUNICIPAL CODE CONCERNING TO UNREASONABLE NOISE

WHEREAS, Chapter 8.06 of the Municipal Code regulates noise levels within the Town; and

WHEREAS, it is necessary to amend Chapter 8.06 to enable the Town to effectively regulate unreasonable noise levels within the Town; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Town to amend Chapter 8.06 of the Municipal Code regulating unreasonable noise within the Town of Estes Park.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: Chapter 8.06 of the Municipal Code is amended as more fully set forth on Exhibit A attached hereto and incorporated herein and by reference.

Section 2: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this 27TH day of NOVEMBER, 2018.

TOWN OF ESTES PARK, COLORADO

Mayor

ATTEST:

Town Clerk

I hereby certify that the above ordinance was introduced and read at a meeting of the Board of Trustees on the 27TH day of NOVEMBER, 2018 and published in a newspaper of general publication in the Town of Estes Park, Colorado, on the 28TH day of NOVEMBER, 2018.

Town Clerk

EXHIBIT A

Chapter 8.06 - NOISE

8.06.010 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amplified outdoor sound means sound modified or amplified by the use of sound equipment on any premises not fully enclosed by permanent walls and a roof.

Domestic power equipment means any power equipment rated five horsepower 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.

Muffler means an apparatus consisting of a series of chambers or baffle plates designated for the purpose of transmitting gases while reducing sound emanating from such apparatus.

Sound equipment means a loudspeaker, public address system, amplification system, or other sound producing device.

Unreasonable noise shall mean any excessive or unusually loud noise or sound with intensity or duration that disturbs the peace, health, comfort, repose or quiet of a reasonable person of normal sensitivities. *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.

8.06.020 - Noise prohibited.

(1) No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this section, Law Enforcement or Code Enforcement personnel are empowered to make a prima facie determination as to whether a noise is unreasonable.

(2) In determining whether noise is unreasonable, the following may be considered:

   (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 sound equipment; and

   (d) Any other factors tending to show the magnitude and/or disruptive effect of the noise.

(3) With regard to vehicles, the determination of unreasonable noise, in addition to the previously stated factors shall include, but not be limited to:

   (a) The continuous or repeated sounding of any horn, alarm or signal device of a vehicle, except where an actual emergency or danger exists. For the purposes of this subsection, "continuous" shall mean continuing for an unnecessary or unreasonable period of time.

   (b) The operation of any vehicle in a manner which causes unreasonable noise as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

8.06.030 – Restrictions on amplified outdoor sound.

It shall be unlawful for any person to make, cause to be made or to permit amplified outdoor sound upon any premises possessed or controlled by such person where such sound occur between the hours of 10:00 p.m., through 10:00 a.m., of the next day except that on Friday and Saturday nights amplified outdoor sound is permitted until 11:00 p.m.

8.06.040 - Exceptions.

The prohibitions set forth in subsection 8.06.020(1) shall not apply to sound from:

(a) Any bell or chime from any building, clock, school or church;

(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;

(c) Aircraft which are operated in accordance with federal laws or regulations;

(d) Town authorized or sponsored events including, but not limited to, parades, fireworks displays, concerts, and events at Stanley Park, Bond Park, or Performance Park;

(e) Any domestic power equipment, except as provided within this subsection, operated upon any residential, commercial, industrial or public place between 7:00 a.m. and 9:00 p.m.;

(f) Any construction, maintenance, or repair activities between 7:00 a.m. and 9:00 p.m.;

(g) Activities directly connected with the abatement of an emergency;

(h) Noise from snow blowers, snow throwers and snow plows when operated with a muffler for the purpose of snow removal;

(i) Noise generated from golf course maintenance equipment.

8.06.050 - Exhaust, mufflers.

No person shall discharge the exhaust of any steam engine, internal combustion engine, air compressor equipment, motor boat, or other power device which is not equipped with a properly maintained exhaust system with a muffler or a spark arrestor. It is unlawful for any person to operate a muffler or exhaust using a cutout, bypass or other similar device.