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Debra A Green
Park County Clerk

PARK COUNTY, COLORADO

Ordinance No. 12-01

AN ORDINANCE OF PARK COUNTY, COLORADO ADDRESSING NOISE CONTROL.

Section 1. Short Title. This ordinance may be cited as the "Noise Control Ordinance of Park County."

Section 2. Legislative Intent.

(a) Excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and

(b) A substantial body of science and technology exists by which excessive sound and vibration may be substantially abated; and

(c) The people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; and

(e) It is the policy of Park County to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

Section 3. Definitions.

(a) "Commercial Area" means:

(1) An area where offices, clinics and the facilities needed to serve them are located;

(2) An area with local shopping and service establishments;

(3) A tourist-oriented area where hotels, motels and gasoline stations are located;

(4) A business strip along a main street containing offices, retail businesses and commercial enterprises;

(5) A commercially dominated area with multiple unit dwellings; or

(6) Any property zoned commercial.



- (b) "**Construction**" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- (c) "**Demolition**" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (d) "**Emergency**" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (e) "**Emergency Work**" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (f) "**Noise Control Officer**" or NCO means a peace officer or any other person with enforcement authority under this article.
- (g) "**Gross Vehicle Weight Rating "GVWR"** means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.
- (h) "**Industrial**" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operations.
- (i) "**Industrial, Light**" mean:
- (1) An area containing light industrial activities which are clean and quiet; or
 - (2) An area containing warehousing.
- (j) "**Motor Vehicle**" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.
- (k) "**Motorcycle**" means an unenclosed motor vehicle having a saddle for the use of the operator and two, three or four wheels in contact with the ground including, but not limited to, motor scooters and minibikes.
- (l) "**Muffler or Sound Dissipative Device**" means a device for abating the sound of escaping gases of an internal combustion engine.



- (m) "**Noise**" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.
- (n) "**Noise Disturbance**" means any sound which (i) endangers or injures the safety or health of humans, or (ii) annoys or disturbs a reasonable person of normal sensitivities, or (iii) endangers or injures personal or real property.
- (o) "**Person**" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.
- (p) "**Powered Model Vehicle**" means any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but limited to any model airplane, boat, car, or rocket.
- (q) "**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.
- (r) "**Public Space**" means any real property or structures thereon which are owned or controlled by a governmental entity.
- (s) "**Real 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 intra-building real property divisions.
- (t) "**Residential**" means an area of single or multi-family dwellings where businesses may or may not be conducted in such dwellings. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. "**Residential Zone**" includes educational facilities, hospitals, nursing home and similar institutions.
- (u) "**Sound**" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (v) "**Vibration**" means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.



(w) **"Weekday"** means any day Monday through Friday which is not a legal holiday.

Section 4. Prohibited Acts.

(a) **Noise Disturbances Prohibited.** No person shall make, continue, or cause to be made or continued, any noise disturbance, including but not limited to the specific noise disturbances prohibited in Subsection (b) below. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

(b) **Specific Prohibitions.** The following acts, and the causing thereof, are declared to be in violation of this Ordinance.

(1) **Radios, Television Sets, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

(i) In such a manner as to be audible at one hundred (100) feet from such device, or from the building in which such device is located, whichever is greater, except for events open to the public and for which a temporary permit for such specific event has been issued by the appropriate authority;

(ii) In such a manner as to be audible at fifty (50) feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space;

(iii) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

(iv) This section shall not apply to non-commercial spoken language covered under Subsection (2) below.

(2) **Loudspeakers/Public Address Systems.**

(i) Using or operating for any non-commercial purpose any loudspeaker, public address system, or similar device between the hours of 10 p.m. and 7 a.m. the following day, such that the sound there from creates a noise disturbance across a residential real property boundary;

(ii) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound there from creates a noise disturbance across a residential real property boundary.



(3) Construction. Operating or permitting the operation of any tools or equipment in connection with construction, including but not limited to, drilling, blasting or demolition work between the hours of 10 p.m. and 7 a.m. the following day on weekdays and between the hours of 10 p.m. and 8 a.m. on weekends, or holidays such that the sound there from creates a noise disturbance, across a residential real property boundary except for emergency work on public service utilities or rights-of-way.

(4) Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

(5) Powered Model Vehicles. Operating or permitting the operation of a Powered Model Vehicle so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10 p.m. and 7 a.m. the following day.

(6) Emergency Signaling Devices.

(a) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection (ii).

(i) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7 a.m. or later than 10 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

(ii) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7 a.m. or after 10 p.m. The time limit specified in Subsection (A) shall not apply to such complete system testing.

(b) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically or manually terminated within fifteen (15) minutes of activation.

(7) Internal Combustion Equipment. No person shall operate, or permit to be operated, any internal combustion equipment including but not limited to lawn mowers, weed trimmers, compressors or pumps driven by internal combustion engines; but excluding motor vehicles, motorcycles and equipment used in



emergency situations between the hours of 10 p.m. and 7 a.m. the following day in any residential area.

(8) Live Bands and music. No person shall play, practice, or perform, or permit to be played, practiced, or performed, any live music creating a noise disturbance across a residential real property boundary, between the hours of 10:00 p.m. and 10:00 a.m. Sunday through Thursday, and between the hours of 12:00 p.m. and 10:00 a.m. Friday and Saturday. Live bands and music playing within allowed hours under this subsection (b)(8) shall not be deemed a noise disturbance within the meaning of this Section 4.

Section 5. Motor Vehicle Sound Pressure Levels.

(a) Adequate Mufflers or Sound Dissipative Devices.

(1) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device meeting the vehicle manufacturer's specifications, in good working order and in constant operation.

(2) No person shall modify, remove or render inoperative, or cause to be modified, removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

(b) Motor Vehicle Horns and Signaling Devices. The following acts and the causing thereof are declared to be in violation of this Ordinance:

(1) The sounding of any horn or other auditory signaling device on or in any motor vehicle or motorcycle on any public right-of-way or public space, except as provided or allowed by statute.

(2) The sounding of any horn or other auditory signaling device other than the horn or auditory signaling device with which the motor vehicle was originally equipped.

(c) Standing Motor Vehicle. No person shall operate the engine of, or permit the operation of the engine of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred (100) feet of a residential area between the hours of 10 p.m. and 7 a.m. the following day. This prohibition shall not apply to emergency vehicles, school buses and public service vehicles.



(d) Motorcycles. No person shall operate a motorcycle in such a manner as to create a noise disturbance across a residential real property boundary.

Section 6. Defenses. It is a specific defense to a charge of violating this article that:

- (a) The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- (b) The sound was made within the terms of an outdoor event permit issued by the County;
- (c) The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;
- (d) The sound was made on property belonging to or leased or managed by a federal, state, county or special district governmental body other than the County and was made by an activity of the governmental body or by others pursuant to a contract, lease, or permit granted by such governmental body.

Section 7. Abatement Orders. In lieu of issuing a notice of violation the NCO or other official responsible for enforcement of any provisions of this article may issue an order requiring abatement of any source of sound alleged to be in violation of this article within a reasonable time period.

Section 8. Superseded by More Stringent Provisions. Any other provisions of the Park County Land Use Regulations or ordinances shall supersede this article to the extent that such other provisions are more stringent.

Section 9. Other Remedies. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal or equitable remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law or to abate a noise nuisance under the laws of this State.

Section 10. Penalties. Any person who violates any of the provisions of this ordinance commits a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200.00).

Section 11. Severability. If any section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance, and



each section, clause or phrase hereof, irrespective of the fact that any one or more of the sections, sentences, clauses and phrases be declared unconstitutional.

Section 12. Effective date. Pursuant to C.R.S. § 30-15-405, this ordinance shall be published in full following its initial introduction and reading and published by title only following final adoption by the Board of County Commissioners and shall be effective thirty (30) days following such publication by title only.

SIGNED this 19 day of April, 2012.



**PARK COUNTY BOARD OF
COUNTY COMMISSIONERS**

Richard F. Hodges, Chairman

ATTEST

County Clerk

I certify that this ordinance was introduced and read at the April 19, 2012 public hearing of the Board of County Commissioners and published in *The Flume* on

April 26, 2012

County Clerk



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