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## ARTICLE IX

### Noise

#### Sec. 14-9-10. Intent and applicability.

A. It is hereby declared to be the intent of the Board of County Commissioners to protect the citizens of the County from excessive, unreasonable and unnecessary noise.

B. This provision of the Code shall apply within the unincorporated territory of the County. (Weld County Code Ordinance 2008-4)

#### Sec. 14-9-20. Definitions.

For purposes of this Article, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section.

*Agricultural Equipment* means any equipment, vehicle, machine or device which is used on a farm or ranch, as those terms are defined in Sections 31-1-102(3.5) and 31-1-102(13.5), C.R.S., for the planting, growing and harvesting of agricultural products, or for the raising, care, maintenance, breeding and production of livestock. *Agricultural equipment* includes airplanes used for crop dusting.

*Ambient Noise Level* means the lowest sound level repeating itself during a six-minute period, as measured with a sound level meter. The minimum sound level shall be determined with the noise source silent and in the same location as the measurement of the sound level of the source when emitting the sound under investigation.

*Commercial Area* means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distance of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated shopping center; a business strip along a main street containing offices, retail business and commercial enterprises; a central business district; or a commercially dominated area with limited multiple-unit dwellings.

*Construction Activities* means any and all activity incidental to the erection, demolition, assembling, alteration, installation or equipping of buildings, structures, roads and appurtenances thereof, including land clearing, grading, excavating and filling.

*dB(A)* means a sound level in decibels measured in the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication S1.4-1971.

*Decibel* means a unit used to express the magnitude of a change in sound level. The difference in decibels between two (2) sound pressure levels is twenty (20) times the common logarithm of the ratio of that sound pressure level to a reference level of  $2 \times 10^{-5} \text{N/m}^2$ .

*Device* means any equipment or mechanism which is intended to produce or which produces sound when installed, used or operated.

*Excessive Noise* means any sound which is, or may be:

- a. Harmful or injurious to the health, safety or welfare of any individual;
- b. 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
- c. Unreasonably interferes with the value of real property or any business conducted thereon.

*Industrial Area* means an area where manufacturing, processing or fabrication of any commodity, storage and warehousing, wholesale sales of equipment, materials and supplies, repair, servicing and rental of vehicles and other commodities and other similar activities are conducted.

*Muffler* means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and which is effective in reducing noise.

*Person* means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of any association, partnership or corporation, the State or any instrumentality of the State.

*Property Boundary* means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including property divisions within a building.

*Public Right-of-Way* means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

*Public Space* means any real property or structures thereon which are owned or controlled by a governmental entity.

*Residential Property* means any property which is occupied by a residence, including single-family or multi-family dwellings and apartments, and is located in a platted major residential subdivision, planned unit development or minor subdivision, or is located in the R, R-1, R-2, E, E-1, M or M-1 Zone District. It also includes hotels and motels, educational facilities, hospitals, nursing homes and similar institutions. Undeveloped areas adjacent to residential areas are considered to be residential areas for purposes of this Article.

*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.

*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.

*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.

*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 or compact disc players, musical instruments, walkie-talkies, CB radios or synthesizers.

*Vehicle* means any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks. *Vehicle* does not include any wheelchair, as defined by Section 42-1-102(113), C.R.S.; any farm tractor or implement of husbandry designed primarily or exclusively for use and used in agricultural operations; any device moved by muscle power; any device moved exclusively over stationary rails or tracks; or any device designed to move primarily through the air. (Weld County Code Ordinance 2008-4)

**Sec. 14-9-30. Prohibition of excessive noise.**

No person shall engage in the following activities:

A. Knowingly make, cause or permit to be made, or continue any excessive noise, as defined in this Article.

B. Exceed the sound levels provided for in Section 14-9-40 below, and as measured in Section 14-9-50 below.

C. Operate a vehicle in a public right-of-way and exceed the sound level provided for in Section 14-9-50 below. (Weld County Code Ordinance 2008-4)

**Sec. 14-9-40. Maximum permissible noise levels.**

A. Sound levels shall be measured as provided for in Section 14-9-50 below.

B. Sound levels are hereby established for each type of property during specific hours of the day. Any sound level which exceeds the level set for a type of property at any time of day is prohibited.

<i>Land Use</i>	<i>Maximum Noise (dB(A)) 7:00 a.m. — 9:00 p.m.</i>	<i>Maximum Noise (dB(A)) 9:00 p.m. — 7:00 a.m.</i>
Residential Property or Commercial Area	55 dB(A)	50 dB(A)
Industrial Area or Construction Activities	80 dB(A)	75 dB(A)
Nonspecified Areas	55 dB(A)	50 dB(A)

C. Between the hours of 9:00 p.m. and 7:00 a.m., the noise levels set forth above may be exceeded by up to ten (10) decibels for up to fifteen (15) minutes in a one-hour period.

D. Vehicles operating in the public right-of-way are subject to the following maximum noise levels:

<i>Vehicle Class (GVWR)</i>	<i>Maximum Noise in Speed Limit 35 m.p.h. or less zone</i>	<i>Maximum Noise in Speed Limit over 35 m.p.h. zone</i>
Manufacturer's gross vehicle weight rating (MGWR) over 10,000 pounds (4,536 kg), or 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, including but not limited to automobiles, motorcycles, vans or light trucks, with a gross vehicle weight rating (GVWR) less than 10,000 pounds (4,536 kg)	80	84

E. No person shall operate, anywhere in the County, any vehicle that is not equipped with a muffler in constant operation which is properly maintained to prevent noise in excess of that set forth in this Section; nor shall any person operate, in unincorporated Weld County, any vehicle having a muffler that has been equipped or modified with a cutoff, bypass or similar device or modification. (Weld County Code Ordinance 2008-4)

**Sec. 14-9-50. Measurement and classification of noise.**

A. For the purpose of measuring a noise to determine if a person has violated Section 14-9-40 above, the following requirements for measurements must be met:

1. A noise originating within a public right-of-way or other public land shall be measured at a distance of at least twenty-five (25) feet from the source of the noise.
2. A noise originating on private property shall be measured at or within the boundary of the property from which the noise complaint is made.
3. A 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.
4. 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 more than twenty-five (25) miles per hour with a windscreen properly attached to the microphone.
5. Vehicle noise shall be measured at a distance of at least twenty-five (25) feet from the mid-point of the lane being monitored, and at a height of at least four (4) feet above the immediate surrounding surface.

B. No person shall operate or cause to be operated a motor vehicle, including a motorcycle, off a public right-of-way in a manner that causes the emission of a sound level which exceeds the limits set forth in Section 14-9-40 above. (Weld County Code Ordinance 2008-4)

**Sec. 14-9-60. Exceptions.**

The provisions of this Article 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 sound made by any burglar, fire, personal safety or other warning device.

C. Any noise made during the operation of aircraft or other activities which are preempted by federal law, with respect to noise control.

D. Any noise made during the operation of agricultural equipment which is used on a farm or ranch in the production of agricultural products.

E. Sounds made by dogs and by farm animals, including but not limited to bovines, goats, horses, fowl and llamas.

F. Any noise related to the operation of a railroad.

G. Any noise related to the production, promotion or holding of cultural, entertainment, athletic or patriotic events (including but not limited to concerts), which are sponsored by the State, any political subdivision of the State or any of its lessees, licensees or permittees.

H. Any noise related to the use of property for the purposes of conducting speed or endurance events involving motor or other vehicles, but only where such use has been authorized by resolution, variance permit or nonconforming use authorized by the political subdivision or governmental agency having jurisdiction to authorize such use, and only during the specific period of time that such use is authorized.

I. Any noise made by public utilities regulated pursuant to Title 40, C.R.S.

J. The sound made by a lawnmower, snow blower or other power or hand tool.

K. Any noise related to a temporary assemblage permitted by the Board of County Commissioners pursuant to the provisions set forth in Chapter 12, Article I, of this Code.

L. Any noise produced in the course of normal mining operations or oil and gas exploration, drilling and production.

M. Any noise produced by persons engaged in lawful hunting activities or from properties used by gun clubs.

N. Any noise produced at a construction site. (Weld County Code Ordinance 2008-4)

#### **Sec. 14-9-70. Violations and penalties.**

A. Any law enforcement officer, authorized officers of the Department of Planning Services or the Health Official of the County is authorized to issue citations, summonses and complaints for violations of Sections 14-9-40 and 14-9-50 of this Article.

B. Violations of provisions of this Article shall constitute a Class II petty offense. In addition, violations of this Article may be enforced through the penalty assessment procedure set forth in Section 16-2-201, C.R.S.

C. The graduated fine schedule for the penalty assessment procedure is:

1. Thirty dollars (\$30.00) for the first violation.

2. Sixty dollars (\$60.00) for the second violation within twelve (12) months of the first violation.

3. Three hundred dollars (\$300.00) for each successive violation within twelve (12) months of the first violation.

In addition to any other penalty, persons convicted of a violation of this Article shall be subject to a surcharge of ten dollars (\$10.00), payable to the Clerk of the Court. (Weld County Code Ordinance 2008-4)

**Sec. 14-9-80. Prosecution.**

It is the responsibility of the County Attorney to enforce the provisions of this Article, according to the County Court Rules of Criminal Procedure. (Weld County Code Ordinance 2008-4)

**Sec. 14-9-90. Civil enforcement.**

The Board of County Commissioners may seek civil relief, including but not limited to injunctive relief and mandamus, to enforce the provisions of this Article. (Weld County Code Ordinance 2008-4)