

Sec. 11-1-607. - Noise.

- (a) The making and creating of an excessive or unusually loud noise, or a noise which is unreasonable and objectionable because it is impulsive, continuous, rhythmic, periodic or shrill within the City as heard and measured in the manner prescribed by Subsection (b) of this Section is hereby declared to be a public nuisance, unlawful and a Class 2 municipal offense.
- (b) Classification and Measurement of Noise. For purposes of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this Section, the following test measurements and requirements shall be applied.
 - (1) Noise occurring within the jurisdiction of the City shall be measured at a distance of at least twenty-five (25) feet from a noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, at least twenty-five (25) feet from the property line of the property on which the noise source is located.
 - (2) The noise shall be measured on the "A" weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.
 - (3) For purposes of this Section, measurements with sound level meters shall be made when the 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 wind screen.
 - (4) In all sound level measurements, consideration shall be given to the effect of the ambient noise of the environment from all sources at the time and place of such level measurement.
- (c) Definitions: As used in this Section, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this Section:
 - (1) *Decibel* is 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 their ratio. In sound pressure measurements, sound levels are defined as twenty (20) times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10^{-5} N/m² (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one-hundred-percent increase or decrease in the sound level, and a ten-decibel change is a one-thousand-percent increase or decrease in the sound level.
 - (2) *db(A)* means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S.4 - 1970 and approved by the Industrial Commission of Colorado.
 - (3) *Residential zone* means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. 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 hospitals, nursing homes and similar institutional facilities.
 - (4) *Commercial zone* means:
 - a. An area where offices, clinics and the facilities needed to serve them are located;
 - b. An area with local shopping and service establishments located within walking distances of the residents served;
 - c. A tourist-oriented area where hotels, motels and gasoline stations are located;
 - d. A large integrated regional shopping center;
 - e. A business strip along a main street containing offices, retail businesses and commercial enterprises;

- f. A central business district; or
 - g. A commercially dominated area with multiple unit dwellings.
- (5) *Light industrial and commercial zone* means:
- a. An area containing clean and quiet research laboratories;
 - b. An area containing light industrial activities which are clean and quiet;
 - c. An area containing warehousing; or
 - d. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.
- (6) *Industrial zone* 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.
- (7) *Motor vehicle sound system* means any radio, tape player, CD player, amplifier, speakers or other electronic components located in or upon any motor vehicle and used or capable of being used for the production of sound.
- (d) Maximum Permissible Noise Levels:
- (1) Every activity to which this Section is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat, frequency or shrillness. Sound levels of noise radiating from the property line at a distance of twenty-five (25) feet or more therefrom, in excess of the db(A) established for the time period and zones listed in this Section, shall constitute prima facie evidence that such noise is a public nuisance.

Zone	7:00 a.m. to next 7:00 p.m.	7:00 p.m. to next 7:00 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

- (2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in Subsection (a) of this Section may be increased by ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one-hour period.
- (3) Periodic, impulsive or shrill noises shall be considered a public nuisance when such noises are at a sound level of five (5) db(A) less than those listed in Subparagraph (1) of this Subsection.
- (4) This Section is not intended to apply to the operation of aircraft, or to other activities which are subject to federal law with respect to noise control.
- (5) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.
- (6) All railroad rights-of-way shall be considered as industrial zones for the purposes of this Section, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.
- (7)

This Section is not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period or periods of time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

- (8) This Section is not applicable to the Colorado State Fairgrounds or the use thereof when duly authorized by the Colorado State Fair Authority.
- (9) This Section is not applicable to six hundred (600) or more megawatt electric power generation facilities which are operated and maintained in compliance with the noise levels and standards set forth in the state noise regulations, currently codified as Section 25-12-103, C.R.S. (as now or hereafter adopted).

(e) Motor Vehicle Noise Levels:

- (1) It shall be unlawful and a Class 2 municipal offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved, within the City, any motor vehicle which emits a sound pressure level in excess of the db(A) established in Table I of this Subsection. Noise from a motor vehicle within the public right-of-way shall be measured at a distance at least twenty-five (25) feet from the near side of the nearest traffic lane being monitored and at a height of at least four (4) feet above the immediate surrounding surface on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.
- (2) Noise from a motor vehicle which is located other than within the public right-of-way shall be measured at a distance at least twenty-five (25) feet from said motor vehicle and at a height of at least four (4) feet above the immediate surrounding surface on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

(3) Table I.

**Maximum Permissible
Sound Pressure Levels**

Vehicle class	25 ft. (7.5 m)
Any vehicle greater than 10,000 lbs. manufacturer's gross vehicle weight other than an Interstate Motor Carrier	88
Any motorcycles	80
Any other motor vehicle	80

- (4) Mufflers - Prevention of Noise: It shall be unlawful and a Class 2 municipal offense for any person to operate, or for the owner to cause or knowingly permit the operation of any vehicle, within the City, which is not equipped with an adequate muffler and in constant operation and properly maintained to prevent any unnecessary noise, and no muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that which is specified in Table I above.

(f) Vehicle Sound Systems.

- (1)

Notwithstanding any other provision in this Section or in Section 11-1-201 of this Chapter, and in addition thereto, it shall be unlawful and a Class 2 municipal offense for any person to operate or use, or cause or suffer to be operated or used, any motor vehicle sound system in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the motor vehicle, unless a permit therefor has first been obtained in accordance with Paragraph (f)(2) of this Section and is in effect. The driver of any vehicle upon which is located a motor vehicle sound system which is plainly audible at a distance of twenty-five (25) feet from the motor vehicle shall be presumed to be operating, using or causing the operation of such motor vehicle sound system.

- (2) Any persons desiring to operate any motor vehicle sound system for either commercial or noncommercial purposes in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the motor vehicle shall first obtain a permit therefor from the City License Officer in accordance with this Subsection and Chapter 1 of Title IX of this Code. The permit may authorize such use or operation of motor vehicle sound system between the hours of 7:00 a.m. and 10:00 p.m. for not more than three (3) days in any one (1) calendar year. In addition to the information required by Chapter 1 of Title IX of this Code, the application for a permit shall provide the following information:
 - a. The name, address and telephone number of the owner and user of the motor vehicle sound system;
 - b. The license number of the motor vehicle which is to be used and proof of motor vehicle insurance for such vehicle;
 - c. A general description of the sound amplifying equipment which is to be used;
 - d. A statement whether the use of the motor vehicle sound system will be used for commercial or noncommercial purposes; and
 - e. The date or dates, not exceeding three (3), during which the system is proposed to be operated.
- (g) The provisions of this Section shall have no applicability to authorized emergency vehicles, as defined in the Model Traffic Code for Colorado Municipalities, as adopted and amended by Title XV of the Pueblo Municipal Code, as amended, nor to sound produced by any sirens or horns on such vehicles or other noise emanating from such vehicles.

(Ord. No. 5935, 2-13-95; Ord. No. 7373 §1, 9-12-05; Ord. No. 8212 §1, 6-14-10)