

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-12**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING CHAPTER 7 OF THE SEVERANCE MUNICIPAL CODE
BY THE ADDITION OF A NEW ARTICLE 7, ENTITLED “NOISE” AND REPEALING
ARTICLE 9 OF CHAPTER 10 OF THE SEVERANCE MUNICIPAL CODE
PERTAINING TO NOISE**

WHEREAS, the Town Council finds that noise is a major source of environmental pollution, which represents a threat to the serenity and quality of life to the community; and

WHEREAS, unreasonable noise often has an adverse physiological and psychological effect on human beings, thus contributing to an economic loss to the community; and

WHEREAS, the Town Council has determined that the Town lacks adequate regulations and standards regarding unreasonable noise; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. Chapter 7, “Health, Sanitation, and Animals,” of the Severance Municipal Code is hereby amended by the addition of a new Article 7, entitled “Noise,” to read as follows:

ARTICLE 7 - NOISE

Sec. 7-7-10. Definitions.

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

Amplified outdoor music means the use of musical instruments or sound equipment to produce or amplify sound that is not fully enclosed by permanent, solid walls, and a roof.

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 S1. 4 – 1971.

Decibel is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty 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

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.

Engine compression brake device means any device which, when activated, impedes or retards a motor vehicle's forward motion through compression of air in the engine's cylinder to provide braking power, which device is also known as a "brake retarder."

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.

Neighborhood services officer means any person empowered by the Town of Severance to enforce the provisions of this chapter, including peace officers, as defined in C.R.S. §§ 18-3-201(2) and 30-15-105, personnel of the Severance Police Department, or any employee of the town designated or authorized by the town manager or by the town manager's authorized representative.

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

Unreasonable noise shall mean any sound of such level, intensity or duration as may or tends to be injurious to human health or welfare, or that unreasonably interferes with the enjoyment of life or property, or causes damage to any property, but excludes all aspects of the employer-employee relationship; concerning health and safety hazards within the confines of a place of employment.

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.

Sec. 7-7-20. Noise prohibited.

- (a) It is unlawful for any person to make, cause to be made, or to permit any unreasonable noise upon any premises or within any vehicle owned, possessed or operated or controlled by such person.
- (b) Neighborhood services officers, may, in the determination of a violation of subsection (a) above, consider factors that include, but, are not limited to:
 - (1) The time of day;
 - (2) The size of any gathering of persons creating or contributing to the noise;

- (3) The underlying zone district in which the source of sound is located;
 - (4) The presence or absence of noise amplification equipment;
 - (5) Whether the officer witnesses the activity or source of the sound;
 - (6) The number of witnesses reporting or complaining about the sound; and
 - (7) Any other factors tending to show the magnitude, intensity, loudness, or disruptive effect of the noise.
- (c) With regard to sound from activities conducted upon, or other sources located, within private property, the determination of unreasonable noise, in addition to the previously stated factors shall include, but not be limited to:
- (1) The sound from a source on private property used or developed for commercial, retail or service land uses, having been measured at a distance of at least twenty-five feet from the property line, exceeded the following decibel levels for the following time periods:
 - a. 60 db(A) from 7:00 a.m. until 7:00 p.m. or dusk, whichever comes first, of the same day; or
 - b. 55 db(A) from 7:00 p.m. or dusk, whichever comes first, until 7:00 a.m. of the following weekday and until 9:00 a.m. of the following weekend (Saturday and Sunday) day.
 - (2) The sound from a source on private property used or developed for light industrial land uses, having been measured at a distance of at least twenty-five feet from the property line, exceeded the following decibel levels for the following time periods:
 - a. 70 db(A) from 7:00 a.m. until 7:00 p.m. or dusk, whichever comes first, of the same day; or
 - b. 65 db(A) from 7:00 p.m. or dusk, whichever comes first, until 7:00 a.m. of the following weekday and until 9:00 a.m. of the following weekend (Saturday and Sunday) day.
 - (3) The sound from a source on private property used or developed for heavy industrial land uses, having been measured at a distance of at least twenty-five feet from the property line, exceeded the following decibel levels for the following time periods:
 - a. 80 db(A) from 7:00 a.m. until 7:00 p.m. or dusk, whichever comes first, of the same day

- b. 75 db(A) from 7:00 p.m. or dusk, whichever comes first, until 7:00 a.m. of the following weekday and until 9:00 a.m. of the following weekend (Saturday and Sunday) day.
- (d) With regard to vehicles, the determination of unreasonable noise, in addition to the previously stated factors shall include, but not be limited to:
 - (1) 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.
 - (2) 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.
- (e) All sound measurements shall be made on a sound level meter that meets American National Standards Institute (ANSI) specification S1.4-1974 for Type I and Type II equipment. The manufacturer's published indication of compliance with such specifications is prima facie evidence of compliance with this Subsection.
- (f) For noise disturbances that are not witnessed by a neighborhood services officer, complaints by at least two (2) disinterested witnesses are required to issue a summons and citation under this section, but are not required to prove that a person violated this section.

Sec. 7-7-30. Exceptions.

The prohibitions set forth in subsection 7-7-20(a) shall not apply to sound from:

- (1) Any bell or chime from any building clock, school or church;
- (2) 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; provided however, that burglar alarms not terminated within 20 minutes after being activated shall not be excepted;
- (3) Aircraft which are operated in accordance with federal laws or regulations;
- (4) Town authorized or sponsored events including, but not limited to, parades and fireworks displays;
- (5) Any domestic power equipment, except as provided within this sub-section, operated upon any residential, commercial, industrial or public place between 7:00 a.m. and 7:00 p.m.;

- (6) Any lawful construction, maintenance, or repair activities conducted between 7:00 a.m. and 7:00 p.m. or dusk, whichever comes first, Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday;
- (7) Activities directly connected with the abatement of an emergency;
- (8) Noise from public; street, sidewalk, curb and gutter projects, utility work, education projects, environmental remediation, nuisance abatement and redevelopment projects;
- (9) Noise from snow blowers, snow throwers and snow plows when operated with a muffler for the purpose of snow removal;
- (10) Noise from golf course maintenance equipment;
- (11) Noise from authorized public school, parks and recreation district activities between the hours of 6:00 am. to 11:00 pm.; or
- (12) Noise from railroad operation.

Sec. 7-7-40. Exhaust, mufflers.

No person shall discharge the exhaust of any steam engine, internal combustion engine, air compressor equipment, motorboat, 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.

Sec. 7-7-50. Use of sirens and red lights restricted.

It is unlawful for any person to carry or use upon any vehicle other than police, fire department or emergency vehicles, any gong, siren, whistle or red light similar to that used on police, fire department or emergency vehicles.

Sec. 7-7-60. Use of air compression brakes prohibited.

It is unlawful and shall constitute a nuisance for the operator of a motor vehicle equipped with an engine compression brake device to use such device while operating the vehicle within the town.

Sec. 7-7-70. Outdoor construction activity prohibited.

It is unlawful and shall constitute a nuisance for any person to conduct or permit outdoor construction activities, including without limitation, carpentry, excavation, roofing, concrete installation, or paving, within the town during the following time periods:

- (1) after 7:00 p.m., or dusk, on a weekday until 7:00 a.m. of the following weekday;
or
- (2) before 9:00 a.m. on Saturday or Sunday; or

(3) after 5:00 p.m. on Saturday or Sunday until 7:00 a.m. of the following weekday.

Section 2. Article 9, "Noise," of Chapter 10 of the Severance Municipal Code is hereby repealed in its entirety.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

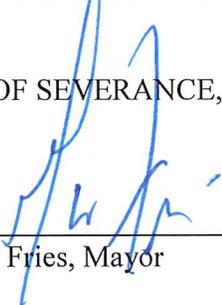
Section 5. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 24th day of May 2022.



TOWN OF SEVERANCE, COLORADO

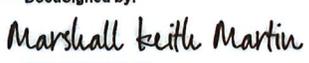

Matthew Fries, Mayor

ATTEST:



Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

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Hayashi & Macsalka, LLC, Town Attorney