

# Lakewood, Colorado Noise Ordinance

## Title 9 Offenses against Public Peace Chapter 9.52 Noise

### I. Short Title, Policy and General Definitions

#### 9.52.010 Short title.

This chapter shall be known as the Lakewood noise control ordinance. (Ord. O-86-42 § 1 (part), 1986).

#### 9.52.020 Declaration of policy.

It is declared that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the city. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Lakewood through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unreasonable and excessive noise, reduce community noise, promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community. (Ord. O-86-42 § 1 (part), 1986).

#### 9.52.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. "Commercial district" means the following: (A) an area where offices, clinics and the facilities needed to serve them are located; (B) an area with local shopping and service establishments; (C) a tourist-oriented area where hotels, motels and gasoline stations are located; (D) a business strip along a main street containing offices, retail businesses and commercial enterprises; (E) other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity. "Commercial district" includes, but is not limited to, any parcel of land zoned as a convenience commercial district, a neighborhood commercial district, a community commercial district, a commercial district, a large lot commercial district or an office district, under the zoning ordinance of the city.

"Commercial purpose" means and includes the use, operation or maintenance of any sound or amplifying equipment, for the purpose of advertising any business, any goods or any services, or for the purpose of attracting the attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

"Construction activities" means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

"Continuous noise" means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more during a period of eight hours.

"Device" means any mechanism which is intended to produce or which actually produces sound when operated or handled.

"Dynamic braking device" means a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

"Emergency work" is work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

"Industrial district" means an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. "Industrial district" includes, but is not limited to, any parcel of land zoned as an industrial district or a planned development district with uses permitted in an industrial district under the zoning ordinance of the city.

"Motor vehicle" means any vehicle, such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer, propelled or drawn by mechanical power, and includes motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

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

"Noncommercial purpose" means the use, operation or maintenance of any sound-amplifying equipment for other than a commercial purpose. "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

"Residential district" means an area of single or multiple-family dwellings and includes areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. "Residential district" also includes, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities. "Residential district" includes, but is not limited to, land zoned as a large lot residential district, a small lot residential district, a duplex residential district, a high-density residential district, a medium-density residential district, or a mobile home residential district under the zoning ordinance of the city.

"Sound-amplifying equipment" means any machine or device for the amplification of a human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

"Unreasonable noise" means any excessive or unusually loud sound, or any sound which disturbs the peace and quiet of any neighborhood or causes damage to any property or business. (Ord. O-94-33 § 32 & 33, 1994; Ord. O-86-42 § 1 (part), 1986).

## **II. Prohibited Noise-General Prohibition**

### **9.52.040 Unlawful to make.**

No person shall knowingly make or continue, or cause to be made or continued, any unreasonable noise within the city. (Ord. O-86-42 § 1 (part), 1986).

### **9.52.050 Unlawful noises generally.**

The following acts, enumerated in Sections 9.52.060 through 9.52.160, are declared to cause unreasonable noises in violation of this chapter; provided, however, that the following enumeration is not in limitation of Section 9.52.040, and is not exclusive. (Ord. O-86-42 § 1 (part), 1986).

9.52.060 Bells and chimes.

No person shall use, operate, cause or permit to be sounded any bell or chime, or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of ten p.m. of one day and seven a.m. of the following day. (Ord. O-86-42 § 1 (part), 1986).

9.52.070 Radios, television sets, phonographs and similar devices-Use restricted.

It is unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause any unreasonable noise. (Ord. O-94-33 § 34, 1994; Ord. O-86-42 § 1 (part), 1986).

9.52.080 Animals or birds.

No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person. (Ord. O-86-42 § 1 (part), 1986).

9.52.090 Exhausts-Mufflers.

No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. (Ord. O-86-42 § 1 (part), 1986).

9.52.100 Defect in vehicle or load.

It is unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause any unreasonable noise. (Ord. O-94-33 § 35, 1994; Ord. O-86-42 § 1 (part), 1986).

9.52.110 Quiet zone.

The creation of any unreasonable noise is prohibited within the vicinity of any school, institution of learning, church or court while the same is in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospital or residents in the nursing home or home for the aged, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court. (Ord. O-86-42 § 1 (part), 1986).

9.52.120 Dynamic braking devices.

No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled. (Ord. O-86-42 § 1 (part), 1986).

9.52.130 Truck loading.

No person shall load any garbage, trash or compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district or within three hundred feet of any hotel, motel, or residential district between the hours of ten p.m. of one day and seven a.m. of the following day.(Ord. O-2001-34 § 5; Ord. - 86-42 § 1 (part), 1986).

**III. Prohibited Noise-Sound Level Standards**

9.52.140 Construction activities.

Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of nine p.m. of one day and six a.m. of the following day. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section. (Ord. O-86-42 § 1 (part), 1986).

9.52.150 Power equipment.

No person shall operate or permit to be operated on any private property, or on the public way within any residential or commercial district(s), any power equipment used for home or building repair or grounds maintenance, or any construction equipment used for construction activities, between the hours of ten p.m. of one day and seven a.m. of the next day. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws, pavement breakers, log chippers, riding tractors, or powered hand tools. (Ord. O-86-42 § 1 (part), 1986).

9.52.155 Temporary exemption from ordinance.

A. Applications for a temporary exemption from the provisions of Sections 9.52.140 and 9.52.150 shall be made to the City Manager or his designee.

B. In approving or denying a temporary exemption, consideration shall be given to effective dates, hours of operation, type of noise, location, loudness, equipment noise characteristics and public health, safety and welfare.

C. Any temporary exemption approved hereunder may provide for, without limitation, a public information program prior to construction, restrictions on effective dates, hours of operation, type of noise, location, loudness, and equipment type relating to that particular activity giving rise to the relief requested.

D. The City Manager shall promptly notify the City Council of each temporary exemption approved. (Ord. O-92-4 § 1, 1992).

**IV. Amplified Sound**

9.52.160 Amplified sound.

A. No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons, between the hours of ten p.m. of one day and seven a.m. of the following day, in such a manner as to be plainly audible at the property line. The intensity and loudness of any amplified sound, which is

transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

B. No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment in a motor vehicle in such a manner as to be plainly audible at twenty-five feet from the motor vehicle, unless a permit has been issued by the City Clerk pursuant to Section 9.52.190 which allows such amplification. If such a permit has been issued, the intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

C. The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

D. The provisions of this section shall not apply to sound made on property owned by, controlled by, or leased to the city, the federal government, or to any branch, subdivision, institution or agency of the government of this state or any political subdivision within it, and when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease, or permit granted by such governmental body. (Ord. O-2002-16 § 1, 2002; Ord. O-86-42 § 1 (part), 1986).

#### 9.52.170 Application for permit to use sound-amplifying equipment in a motor vehicle.

Any person, partnership, association, or corporation desiring to use or operate any loudspeaker, public address system, or other sound-amplifying equipment in or from a motor vehicle for either commercial or noncommercial purposes must first obtain a permit from the City Clerk. The permit may authorize the use or operation of such sound-amplifying equipment between the hours of seven a.m. and ten p.m. of one day. The application for the permit shall be filed with the City Clerk and shall provide the following information:

A. The name, address and telephone number of both the owner and the user of the sound-amplifying equipment;

B. The license number of the motor vehicle which is to be used;

C. The general description of the sound-amplifying equipment which is to be used;

D. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and

E. The dates upon which and the streets over which the equipment is proposed to be operated. (Ord.O-86-42§1(part),1986).

#### 9.52.190 Permit issuance.

Permits required by Sections 9.52.170 may be issued by the City Clerk if the City Clerk finds that the conditions of motor vehicle movement or pedestrian movement are such that the use of the equipment will not constitute an unreasonable interference with traffic safety, that the applicant will not violate the hour restrictions of the permit, and that the use of the sound-amplifying equipment will not disturb the peace and quiet of any neighborhood. An applicant may appeal the denial of a permit by the City Clerk to the City Manager if such appeal is filed in writing with the City Manager within seven days of the denial of said permit by the City Clerk. The City Manager or his designee shall conduct any hearing and/or review of the denial of the permit request, and his decision shall be final. The City Manager may promulgate rules and regulations or procedures to govern any such hearing and/or review. (Ord. O-2002-16 § 3, 2002; Ord. O-86-42 § 1 (part), 1986).

# **Title 10 Vehicles and Traffic**

## **II. Rules of the Road and Required Vehicle Equipment**

### 10.57.080 Mufflers-Prevention of noise.

It is unlawful for any person to operate, or for the owner to cause or knowingly permit the operation of, any vehicle or combination of vehicles, within this municipality, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such 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 emitted by a muffler of the type originally installed on the vehicle. This section shall not apply to electric motor vehicles. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-97-62 § 42, 1997; Ord. O-75-96 § 112, 1975; Ord. O-74-44 § 1 (part), 1974).

### 10.63.070 Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand a vehicle, irrespective of the provisions of this title;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the lawful speeds set forth in Section 10.15.010(B), (D) or exceed the maximum lawful speed limits set forth in Section 10.15.010(C) as long as said driver does not endanger life or property;
4. Disregard regulations governing the movement or turning in specified directions.

C. The exemptions granted in subdivisions (1) to (4) of subsection B of this section to an authorized emergency vehicle shall only apply when such vehicle is making use of audible and visible signals meeting the requirements of Section 42-4-213, C.R.S., and the exemption granted in subdivision (1) of subsection B of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of Section 42-4-213, C.R.S.; unless such visual signals would cause an obstruction to the normal flow of traffic, except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title or any provision of state law applicable to drivers and vehicles in this municipality need not display or make use of audible and visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions be a legal defense for the driver from the consequences of his reckless disregard for the safety of others.

E. The driver of an authorized emergency vehicle shall carry in the vehicle at all times the

designation required by state law attesting to the fact that such vehicle has been designated by state motor vehicle agency as an authorized emergency vehicle by virtue of its use for the preservation of life or property or for the execution of emergency governmental functions, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle. (Ord. O-97-62 § 51, 1997; Ord. O-94-34 § 25, 1994; Ord. O-87-87 § 22, 1987; Ord. O-74-44 § 1 (part), 1974).