

ARTICLE 100.070
Regulation of Noise

100.070.010 Definitions.

As used in this Article, the following words shall have these meanings ascribed to them:

Construction work 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.

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

Engine brakes (commonly referred to by brand names such as Jacobs Brake, Jake Brake or Dynatard brake) means an engine retarder or dynamic braking device used primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

Noise means a sound which is measured as the sound pressure level in decibels (dB) which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

Normal residential noise includes but is not limited to noise from lawn, garden or household equipment, stereos and ban instruments. (Ad. 5-05 §1)

Normal traffic noise includes but is not limited to noise from public service utilities and motor vehicles in public rights-of-way and on streets and highways. (Ad. 5-05 §1)

Person means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation, state or federal governmental agency or district, and any officer or employee thereof.

Plainly audible noise means any noise for which the information content of that noise is unambiguously transferred to a listener, such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

Sound means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distance points. (Ad 29-92 §1)

(Ad 29-92 §1)

100.070.020 Declaration of policy.

The City Council finds and declares that noise is a significant source of environmental pollution that represents a present and increasing threat to the public peace and to the health, safety and welfare of the residents of the City and to its visitors. Noise has an adverse effect on the psychological and physiological well-being of persons, thus constituting a present danger to economic and aesthetic well-being of the community. Accordingly, it is the policy of the City Council to provide for regulation of certain noise within the City. (Ad 29-92 §1)

100.070.030 Noises prohibited.

The following noises are declared a nuisance and are in violation of this Section:

(1) Construction work. Any noise created by operating or causing to be operated any equipment (mechanical or nonmechanical, self-propelled or manually manipulated) used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances at any time other than between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday and Sunday. The City Manager is hereby authorized to issue a construction work noise permit allowing construction work noise to occur at a time other than the time set forth herein based on circumstances which necessitate such construction work. In the event the City Manager issues such a permit, the City Council shall be advised of such issuance at the next regular City Council meeting.

(2) Radios, tape players, record players, television sets, musical instruments and similar devices. It shall be unlawful to use, operate or permit the operation of any radio receiving set, phonograph, tape player, television set, musical instrument or other machine or device for the production of sound in such a manner as to be plainly audible at twenty-five (25) feet from such device when operated in the City. In addition to the foregoing within all commercial zone districts, businesses shall make reasonable efforts to contain any noise produced by the business within the confines of the business' premises. (A. 5-05, §1)

(3) Engine braking device. Any noise created from the operation of any motor vehicle with an engine brake engaged. (Ad 29-92 §1)

(Ad 29-92 §1)

100.070.040 Violations.

(1) General Violations. In addition to any other remedies provided by this Article, any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction of the same, shall be punished in accordance with the provisions of Section 010.020.080. (Ad 29-92 §1)

(2) In the event of a second conviction of a noise violation by a commercial business, such business shall submit a noise mitigation plan to the City Manager for review and approval. A recommendation shall be made to the Municipal Court. (Ad 5-05 §1)

100.070.050 Exemptions.

The following activities and/or events shall be exempt from the provisions of this Article:

(1) Normal residential noise between 7:00 a.m. and 9:00 p.m.

(2) Normal traffic noise unless otherwise prohibited by Federal or State law or other provisions of the Glenwood Springs Municipal Code.

(3) Special events at municipal parks, in accordance with the provisions of Article 090.030 regarding Municipal Parks. Such events shall conclude at 10:00 p.m. or the time posted at the park.

(4) Special use permits issued in writing by the City Manager.

(Ad 5-05 §1)