

**TITLE 18**  
**NOISE ABATEMENT**

**Chapter 18.04 Noise Abatement**

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## Chapter 18.04

### NOISE ABATEMENT<sup>1,2</sup>

<sup>1</sup> **Editor's note**—Ord. No. 2-1981, § 1, repealed former Ch. 16, §§ 16-1—16-4, relative to noise and enacted in lieu thereof a new Ch. 16, §§ 16-1—16-11 [Ch. 18.04], as herein set out. Former Ch. 16 was derived from Code 1962, §§ 6-1-19, 6-1-22, 6-1-44; Ord. No. 27-1967, §§ 1, 2; and Ord. No. 20-1970, § 1.

<sup>2</sup> **State law reference**—Noise, Section 25-12-101 et seq., C.R.S.

#### **Sec. 18.04.010. 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 the economic and aesthetic well-being of the community. Accordingly, it is the policy of Council to provide standards for permissible noise levels in various areas and manners and at various times and to prohibit noise in excess of those levels. (Code 1971, § 16-1; Ord. No. 2-1981, § 1; Ord. No. 11, 2003, § 1)

#### **Sec. 18.04.020. Definitions and standards.**

(A) All terminology used in this Chapter and not defined below shall be in conformance with applicable American National Standards Institute (ANSI) or its successor body. For the purposes of this Chapter, certain words and phrases used herein are defined as follows:

(1) *Commercial district*. An area zoned primarily for commercial use as defined in Title 26 of this Code, including, but not limited to, areas designated CC, C-1, S/C/I, NC, O, P (when surrounded by these designations), SKI and as such designations may be amended.

(2) *Construction activities*. Any and all activity incidental to the erection, demolition, altering, assembling, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating, filling, landscaping, use of power equipment and the delivery, loading or unloading of materials and equipment.

(3) *Dynamic braking device* (commonly referred to as Jake Brake). A device used primarily on 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.

(4) *Lodge District*. An area zoned primarily for lodge use as defined in Title 26 of this Code, including, but not limited to, areas designated L/TR, CL, LP, P (when surrounded by these designations) and as such designations may be amended.

(5) *Nighttime*. Shall mean the period from 9:00 p.m. to 7:00 a.m. daily.

(6) *Property line*. An imaginary line, at the ground surface and its vertical extension, which separates the real property owned or rented by one (1) person from that owned or rented by another person and separates real property from the public premise or in multiple dwelling units from the adjoining unit, such as the wall between two (2) apartments.

(7) *Residential District*. An area zoned primarily for residential use as defined in Title 26 of this Code, including, but not limited to, areas designated R-3, R-6, R-15, R-15A, R-15B, R-30, R/MF, RR, M/MFA, AHPUD, A, C, P, PUB, P (when located adjoining properties with these designations) and as such designations may be amended.

(8) *Sound level meter.* An apparatus or instrument, including a microphone, amplifier, attenuator, output meter and frequency weighting networks for the measurement of sound levels.

(9) *Special event.* Defined in Section 14.20.010 of this Code.

(B) Standards used in the measurement of sound as provided for in this Chapter shall be those as specified herein:

(1) Sound level measurement shall be made with a sound level meter using the "A" weighting scale, set on "slow" response.

(2) Measurements shall be taken at the property line of the source. The meters shall be used according to manufacturer specifications. The meter shall not be held in front of the person taking the reading.

(3) Background noise levels shall be taken for comparison with a given source for accuracy of a measurement. Enforcement actions will be taken if the source of noise is greater than the stated permissible levels and the background noise level.

(a) Extraneous or momentary spikes in the background noise readings shall not be used to compare with the source noise readings.

(b) If the source is constant and too loud to determine the background noise level, then the enforcement office must find a similar site and distance to test for the background noise level.

(4) These noise regulations are enforceable by all city law and code enforcement officers.

(Code 1971, § 16-2; Ord. No. 2-1981, § 1; Ord. No. 36-1989, § 1; Ord. No. 11-2003 § 1)

**Sec. 18.04.030. Maximum permitted sound levels in zone districts.**

(A) No person or group of persons shall operate or cause to be operated any continuous, regular or frequent source of sound that exceeds the maximum permissible sound pressure level listed in Table 1.

**Table 1: Maximum noise level by Zone District**

<b>Zone District</b>	<b>Nighttime 9:00 p.m. to 7:00 a.m.</b>	<b>Daytime 7:00 a.m. to 9:00 p.m.</b>
Residential	50 dBA	55 dBA
Commercial	60 dBA	65dBA
Lodging	55 dBA	60 dBA

(B) No person shall drive, operate, move, cause or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the noise limits for the category of motor vehicle shown in Table 2.

(C) Noise shall be measured at a distance of at least twenty-five (25) feet from the vehicle with the sound level meter at least four (4) feet above the immediate surrounding surface.

**Table 2: Maximum Vehicle Noise Levels**

Type of Vehicle	Noise level dBA for speed of 35 mph or less	Noise level dBA for speed over 35 mph
Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more or by any combination of vehicles towed by such motor vehicle	86	90
Any other motor vehicle (less than 10,000 pounds) or any combination of vehicles towed by any motor vehicle	82	86

(Ord. No. 11-2003, §1)

**Sec. 18.04.040. Noises prohibited; nuisances.**

(a) General prohibitions. It shall be unlawful, with penalties provided in this Code, Section 1.04.080, for any person to create, cause or allow the continuance of any unreasonably loud, disturbing, unusual, frightening or unnecessary noise, which interferes with neighboring residents' reasonable use of their properties. Such noise may include, but is not limited to, the following:

- (1) Horns and signaling devices. The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as an emergency warning device.
- (2) The sounding of a security alarm for more than five (5) minutes.
- (3) The repair, rebuilding or testing of any motor vehicle during nighttime.
- (4) Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom; operating such vehicle in a manner as to constitute unreasonable, disturbing noise that constitutes a nuisance.
- (5) Dynamic braking devices (commonly referred to as a Jake Brake). Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger.
- (6) Noisy parties. Congregating because of or participating in any party or gathering of people during nighttime in such a manner as to disturb the peace.
- (7) The playing of any radio, phonograph, musical instrument, outdoor speakers, televisions or any such device in such a manner as to disturb the peace of nearby persons, particularly during nighttime.
- (8) The yelling, shouting, whistling or singing on the public streets or private property at nighttime in such a manner as to disturb the peace.
- (9) The use of leaf blowers other than electric-powered leaf blowers.
- (10) Construction on Sundays in any zone district.

(11) The use or firing of explosives, firearms or similar devices which create loud sounds. (Code 1971, §16-3; Ord. No. 2-1981, §1; Ord. No. 36-1989, §1; Ord. No. 4-1992, §1; Ord. No. 21-1999, §1; Ord. No. 11-2003, §1; Ord. No. 33, 2007 §1)

**Cross reference**—Barking dogs prohibited, §6.08.100.

**Sec. 18.04.050. Allowed noises based on time of day and other restrictions.**

(A) Any and all activity incidental to the erection, demolition, altering, assembling, installing or equipping of buildings, structures, roads or other appurtenances thereto, including land clearing, grading, excavating, filling, landscaping, use of power equipment and the delivery, leading or unloading of materials and equipment shall comply with Chapter 8.56.

(B) The following noises are allowed to exceed the Zone District noise levels during specified times of day unless deemed a disturbance of the peace by an enforcement officer.

(1) Sound emanating from outdoor athletic events between 7:00 a.m. and 9:00 p.m.

(2) Special Events or other events to which the public is invited with the following conditions:

(a) The maximum decibel level at the perimeter of the event does not exceed 100 decibels; and

(b) Amplified noise shall be created only between the hours of 9:00 a.m. and 9:00 p.m.; and

(c) Neighbors within two hundred fifty (250) feet of the site of the proposed sound source are notified. Such notification must be in writing and be done seven (7) days prior to the starting time of the event; and

(d) The arrangement of loud speakers or the sound instruments must be such that it minimizes the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines; and

(e) All reasonable measures are taken to baffle or reduce noise impacts on the neighbors; and

(f) Event organizers agree to cooperate with the Police Department in addressing noise complaints from neighbors, which may include the termination of the event.

(g) Organizers of special events governed by the City of Aspen Special Event code (14.20.030(f)) may request a variance from noise restrictions to the City of Aspen Special Event Committee.

(1) The variance request shall include reasons why the variance should be granted, how the public good will outweigh impacts on neighbors and other factors supporting the request.

(2) If approved, the variance shall contain all conditions upon which said variance has been granted, including, but not limited to, the effective date(s), time(s) of day, location, sound pressure level, or equipment limitation. The Special Event Committee may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(3) Decisions on variances by the Special Event Committee may be appealed to the city council. An appeal shall be made by filing with the city clerk a signed statement that the appellant desires to appeal to the city council, along with a copy of the application and the written denial or the permit objected to. Each appeal shall be filed within two (2) days,

exclusive of Saturdays, Sundays and legal holidays, of the decision appealed from. The right to appeal to city council shall be contingent upon city council's regular meeting schedule.

(3) Private events to which the public is not invited and that are located at a park, business or nonprofit facility with the following conditions:

(a) Private events must comply with the requirements of parts (c) thru (f) of section (3) governing public events; and

(b) Amplified noise shall be created only between the hours of 9:00 a.m. and 8:00 p.m.; and

(c) The maximum decibel level at the perimeter of the event does not exceed 80 decibels; and

(d) Maximum of two per week at any property; and

(e) If complaints are received from neighbors about noise from a private event, the event organizer must meet with the Environmental Health Department and implement additional control measures for future events to prevent disturbance of neighbors.

(f) An administrative fee as set in the City Fee Ordinance is required for review of the additional control measures.

(4) Farmers' Markets. Sound from the Farmers' Market during times and dates specified in its current vending agreement with the City of Aspen.

(Ord. No. 24, 2003, §1; Ord. No. 11-2003, §1; Ord. No. 33, 2007, §2; Ord. No. 18, 2008)

#### **Sec. 18.04.060. Exemptions.**

(A) The following uses and activities shall be exempt from noise level regulations:

(1) Emergency construction work that is necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities or to protect persons or property from an imminent danger. Such work must comply with the requirements of the ordinance codified herein for a noise suppression plan.

(2) Noises of safety signals, warning devices and emergency pressure relief valves.

(3) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

(4) Noise from snow plowing, street cleaning or trash collection.

(5) Lawful fireworks.

(6) Electric leaf blowers. (Code 1971, §16-6; Ord. No. 2-1981, §1; Ord. No. 11-2003, §1)

#### **Sec. 18.04.070. Reserved.**

#### **Sec. 18.04.080. Enforcement.**

(A) Enforcement Officers may issue a warning notice or summons and complaint to any person in violation of this Chapter.

(B) An Enforcement Officer shall have the right to inspect property concerning any noise complaint. (Code 1971, §16-8; Ord. No. 2-1981, §1; Ord. No. 11-2003, §1)

**Sec. 18.04.090. Penalty assessment.**

(A) Any person violating any provision of this Chapter may be punished by a fine, imprisonment or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. Each day any violation of this Chapter shall continue shall constitute a separate offense. (Code 1971, §16-11; Ord. No. 2-1981, §1; Ord. No. 11-2003, §1)

**Sec. 18.04.100. Violations.**

Any person violating any provision of this Chapter may be punished by a fine, imprisonment or other a fine and imprisonment, as set forth in Section 1.04.180 of this Code. Each day any violation of this Chapter shall continue shall constitute a separate offense. (Code 1971, §16-10; Ord. No. 2-1981, §1; Ord. 12-1996, §11)

**Sec. 18.04.110. Court ordered abatement.**

Violations of Section 18.04.010 through 18.04.080 of this Chapter are deemed and declared to be a nuisance and as such may be subject to summary abatement by means of a retraining order or injunction issued by a court of competent jurisdiction. (Code 1971, §16-11; Ord. No. 2-1981, §1)