

Title: Regulatory Policy Noise Abatement	Policy No. Part 3, Regulations Chapter 1, Noise Section 2
	Effective Date April 24, 2007
Policy Custodian Sheriff's Office	Adoption/Revision Date April 24, 2007

Adopting Resolution(s): CC07-202

References (Statutes/Resos/Policies): BCC MINUTES 4/20/93; Jefferson County Zoning Resolution; §25-12-101, §16-2-201 C.R.S.; CC88-553, CC92-692, CC05-399

Purpose: To protect the peace, health, safety and welfare of Jefferson County citizens from excessive, unnecessary and unreasonable noise.

Policy: Noise Abatement

A. Definitions. As used in this Regulation, the following words shall mean:

1. "Residential Zone" means an area of single or multi-family 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 limited 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 educational facilities, hospitals, nursing homes, and similar institutions, and parks and open space. Undeveloped areas adjacent to residential zones shall be deemed to be residential zones for purposes of this Regulation, notwithstanding the zone district classification of the Jefferson County Zoning Resolution.
2. "Commercial Business Zone" means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distances of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated regional shopping center; a business strip along a main street containing offices, retail businesses, and commercial enterprises; a central business district; or a commercially dominated area with limited multiple unit dwellings.
3. "Industrial and Manufacturing Zone" means an area where manufacturing, processing or fabrication of any commodity, storage and warehousing, wholesale sales of equipment, supplies and materials, repair, rental and servicing of commodities, research laboratories, motor vehicle repair and servicing, and similar activities are conducted.
4. "Vehicle" means any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks; but such term shall not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.
5. "Motorcycle" means every vehicle designed to travel on not more than three wheels in contact with the ground, but not including trail bikes, dirt bikes, minibikes, go-carts, golf carts, and similar vehicles which are not designed or approved for use on public roads and highways.
6. "Muffler" means a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.
7. "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.

8. "Ambient noise level" means the lowest sound level repeating itself during a six-minute period as measured with a sound level meter. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source at issue.

B. Excessive Sound Levels Prohibited

1. No person shall operate any type of vehicle, machine, or device, or carry on any activity, or promote or facilitate the carrying on of any activity which makes sound in excess of the level specified in the Permissive Noise Levels Section.
2. Exceptions apply to:
 - a. 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 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.
 - b. The use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow.
 - c. The use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays.
 - d. Property used for manufacturing, industrial, or commercial business purposes.
 - e. Public utilities regulated pursuant to title 40, C.R.S.
 - f. Oil and gas production subject to the provisions of article 60 of title 34, C.R.S.
 - g. Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
 - h. The sound made within the terms of a fireworks display permit.
 - i. The sound made by animals.
 - j. The sound made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law.
3. This Regulation shall not be construed to conflict with the right of any person to maintain a private action in equity to abate a noise nuisance under the laws of the state.

C. Measurement of Sound Levels

1. Sound from a vehicle operating on a public road or highway shall be measured at a distance of fifty feet from the center of the lane of travel.
2. Sound from a vehicle operating on private property or public property which is not a road or highway shall be measured twenty-five feet from the dwelling unit nearest the sound source at issue.
3. Sound from a non-vehicular source shall be measured twenty-five feet from a property line.
4. 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, Publication S1.4- 1971.

5. For purposes of this Regulation, 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 miles per hour, or twenty-five (25) miles per hour with a wind screen.
6. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

D. Permissive Noise Levels

1. Sound from a vehicle being operated on a public road or highway with the following speed limits shall not exceed the following as measured on the "A" weighting scale dBA:

Type of vehicle	Speed limit of 35 mph or less	Speed limit of more than 35 mph
Motorcycle manufactured before January 1, 1973	82 dBA	86 dBA
Motorcycle manufactured on or after Jan. 1, 1973	80 dBA	84 dBA
Vehicle with a manufacturer's gross vehicle rating of ten thousand lbs. or more, and any combination of vehicle towed by such vehicle	86 dBA	88 dBA
All other vehicles	80 dBA	84 dBA

2. Sound from a vehicle being operated on private property or public property which is not a road or highway shall not exceed the following as measured on the "A" weighting scale dBA:

All vehicles	78 dBA
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3. Sound from a non-vehicular source located in a residential zone, shall not exceed the following limits:

7:00 A.M. until 7:00 P.M.	55 dB(A)
7:00 P.M. until 7:00 A.M. of the same day of the following day	50 dB(A)

4. Periodic, impulsive, or shrill noises are hereby declared unlawful when such noises are at or above a sound level of five dB(A) less than those listed in this Section.
5. Construction projects in residential zones shall be subject to the following permissible noise levels 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 project.

7:00 A.M. until 7:00 P.M.	80 dB(A)
7:00 P.M. until 7:00 A.M. of the same day of the following day	75 dB(A)

E. Vehicle Muffler Required

1. No person shall operate any where in unincorporated Jefferson County any vehicle that is not equipped with a muffler in constant operation.
2. No person shall operate any vehicle on which a muffler is not properly maintained to prevent any noise in excess of the noise emitted when the muffler was originally installed by the manufacturer of the vehicle.

3. Muffler modification prohibited.
No person shall operate any where in unincorporated Jefferson County any vehicle having a muffler that has been equipped or modified with a cutoff, bypass, or any similar device or modification.

F. Violations, Penalty.

1. Any person who violates any of the provisions of this Regulation commits a Class 2 Petty Offense.
2. All charges and proceeding relating to any violation of this Regulation may be cited for compliance with the penalty assessment procedures pursuant to Section 16-2-201, C.R.S., and as set forth herein. All persons who acknowledge guilt or are found guilty shall be punishable by a fine of \$30.00 for each separate offense, plus customary court costs when applicable. A graduated fine schedule is to apply: a \$30.00 increase for each recurring offense, beginning at \$30.00 to a maximum of \$300.00.