

ORDINANCE NO. 5.59.2, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 6.01 AND 6.03 OF THE PARKER MUNICIPAL CODE CONCERNING NOISE REGULATIONS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Chapter 6.01 of the Parker Municipal Code is amended by the addition of a new Section 6.01.330, Noise regulation violations, to read as follows:

6.01.330 Noise regulation violations.

It is unlawful and deemed a nuisance for any person to violate the Noise Regulations set forth in Chapter 6.03 of this Code.

Section 2. Section 6.03.020 of the Parker Municipal Code is amended by the addition of the following definitions (inserted alphabetically) to read as follows:

6.03.020 Definitions.

* * *

Commercial / mixed-use area means an area with local shopping and service establishments; areas containing offices, retail businesses, commercial enterprises; and/or mixed-use areas with commercial and multiple-dwelling units.

Development permit, for purposes of this Chapter, means any building permit, grading permit, or approval for development, as defined in Section 13.02.010 of this Code, including but not limited to, site plans, subdivisions, and uses by special review.

Decibel means a logarithmic unit of measure often used in measuring magnitudes of sound. The symbol for decibel is dB. Decibels are generally measured in sound pressure levels on either the A-weighted scale or the C-weighted scale. The A-weighted scale is generally used for judging loudness that corresponds to the hearing threshold of the human ear. For purposes of this Chapter, sound levels will be measured in decibels on the A-weighted scale. The standard notation is dB(A).

Greater Downtown District, for purposes of this Chapter only, means the Greater Downtown District of the Town of Parker, east of Parker Road, and as otherwise designated in Section 13.04.110 of this Code and the Town's official zoning maps.

“Leq” means the equivalent sound level, which is the constant sound level in a given time period that conveys the same sound energy as the actual time-varying A-weighted sound. The applicable time period for the Leq must be specified.

Residential area means an area of single- family, two-family, or multifamily dwellings where businesses may or may not be conducted in the dwellings as a home occupation. This shall include nursing homes, hospice, and similar institutions.

Summer season means the Friday before Memorial Day through Labor Day.

Section 3. Section 6.03.030 of the Parker Municipal Code is amended to read as follows:

6.03.030 General prohibitions.

It shall be unlawful for any person to make, continue or cause to be made or continued, any noise disturbance, including, but not limited to, the specific prohibitions described in ~~Section 6.03.040 below~~ **this Chapter**. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way, public events held on Town property with the consent of the Town, and the operation of emergency vehicles are exempt from the operation of this Chapter. **The regulation of aviation and aviation-generated noise is under federal jurisdiction and is not subject to Town regulation.**

Section 4. Chapter 6.03 of the Parker Municipal Code is amended by the addition of new Sections 6.03.040 and 6.03.050 to read as follows:

6.03.040 Measurements.

(a) Distance for measurements.

(1) Noise occurring within the jurisdiction of the Town in a commercial or mixed-use area shall be measured one hundred (100) feet from the property line on which the noise source is generated.

(2) Noise occurring within the jurisdiction of the Town in the Greater Downtown District, as defined in Section 6.03.020 of this Chapter, shall be measured fifty (50) feet from the property line on which the noise source is generated.

(3) Noise occurring within the jurisdiction of the Town in a residential area shall be measured twenty-five (25) feet from the property line on which the noise source is generated.

(b) Method of sound measurements.

(1) Noise shall be measured on the A-weighted scale with a calibrated sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(2) Permissible sound levels are based on the Leq during the measurement interval, using a minimum of one (1) minute for a constant sound source, or a minimum of five (5) minutes for a noncontinuous sound source.

6.03.050 Permissible sound levels on the dB(A) scale.

(a) Residential.

(1) During daytime hours, 7:00 a.m. to 7:00 p.m. on the same day, the sound measurements must measure at or below 55 dB(A).

(2) During nighttime/quiet hours, 7:00 p.m. to 7:00 a.m. on the next consecutive day, the sound measurements must measure at or below 55 dB(A).

(b) Commercial / mixed-use.

(1) During daytime hours, 7:00 a.m. to 7:00 p.m. on the same day, the sound measurements must measure at or below 60 dB(A).

(2) During nighttime/quiet hours, 7:00 p.m. to 7:00 a.m. on the next consecutive day, the sound measurements must measure at or below 55 dB(A).

(c) Greater Downtown District.

(1) During daytime hours, 10:00 a.m. to 7:00 p.m. on the same day, the sound measurements must measure at or below 70 dB(A) from Monday through Thursday, and 75 dB(A) from Friday through Sunday.

(2) During Greater Downtown District evening hours, 7:00 p.m. to 10:00 p.m. on the same day, the sound measurements must measure at or below 65 dB(A) Monday through Thursday, and 70 dB(A) from Friday through Sunday.

(3) During nighttime/quiet hours, 10:00 p.m. to 10:00 a.m. on the next consecutive day, the sound measurements must measure at or below 55 dB(A).

(d) Commercial / mixed-use venues (not located within the Greater Downtown District) with a development permit for an outdoor sound system, loudspeaker, or public address system.

(1) During daytime hours, 7:00 a.m. to 7:00 p.m. on the same day, the sound measurements must measure at or below 70 dB(A).

(2) During nighttime/quiet hours, 7:00 p.m. to 7:00 a.m. on the next consecutive day, the sound measurements must measure at or below 55 dB(A).

Section 5. Section 6.03.040 of the Parker Municipal Code is renumbered as Section 6.03.060 and amended to read as follows:

6.03.040060 Specific prohibitions; time of day.

The following acts and the causing thereof are declared to be in violation of this Chapter:

(1) Outdoor loudspeakers/public address systems.

(a) Using or operating any loudspeaker, public address system or similar device in a residential or commercial/mixed-use area is prohibited between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(b) Using or operating any loudspeaker, public address system or similar device in the Greater Downtown District, as defined in Section 6.03.020 of this Chapter, is prohibited between the hours of 10:00 p.m. and 10:00 a.m. the following day.

(c) Using or operating any loudspeaker, public address system or similar device (i) in violation of any specific provision contained within Title 11 or Title 13 of this Code; (ii) in violation of any approved development permit to include, but not be limited to, building permits, grading permits, site plan, subdivision or use by special review approvals; or (iii) in violation of, or a failure to meet, any specific requirements contained within a development permit, including performing sound studies and/or sound mitigation, is prohibited.

(2) Construction. Operating or permitting the operating of any tools or equipment in connection with construction, drilling or demolition work **is prohibited** between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays, between the hours of 7:00 p.m. **on Fridays** and 8:00 a.m. on Saturdays, and between the hours of 7:00 p.m. **on Saturdays** and 10:00 a.m. on Sundays, from 7:00 p.m. Sunday through 7:00 a.m. Monday, and before 10:00 a.m. and after 7:00 p.m. on holidays, except for emergency work on public service utilities or emergency work by Town personnel or by special variance issued by the Director of Engineering, **Chief Building Official**, or designee.

Section 6. Chapter 6.03 of the Parker Municipal Code is amended by the addition of a new Section 6.03.070 to read as follows:

6.03.070 Exceptions.

(a) Summer season. During the summer season, the use of outdoor loudspeakers/public address systems shall be extended by one (1) hour in the evening, on both Friday and Saturday. The allowed decibel levels shall not change.

(b) Community events. Community events approved by the Town may be exempted from the limitations on time and decibel levels for the use of outdoor loudspeakers/public address systems, as part of the review and approval process for a Community Event Permit pursuant to Section 10.08.070(a)(6) of this Code. Applicants for Community Event Permits must request any specific limitations on time and decibel levels in the permit application.

(c) Temporary use permits. Temporary use permits approved by the Town may be exempted from the limitations on time and decibel levels for the use of outdoor loudspeakers/public address systems, as part of the review and approval process. Temporary use permit applicants must request any specific limitations on time and decibel levels in the permit application.

(d) Town-sponsored events. Events sponsored by the Town shall be exempted from the limitations on time and decibel levels for the use of outdoor loudspeakers/public address systems.

Section 7. Section 6.03.050 of the Parker Municipal Code is renumbered as Section 6.03.080 and amended to read as follows:

6.03.050080 Violations; penalty.

(a) It is unlawful to violate the provisions of this Chapter. Any violation of this Chapter is considered to be a public nuisance under Chapter 6.01.

(b) Any person who is convicted of a violation of the provisions of this Chapter shall be punished by a fine of not more than four hundred ninety-nine dollars (\$499.00). Each day of a continuing violation shall be deemed to be a separate violation.

(c) Any person who is convicted of a violation of the provisions of this Chapter may be subjected to other penalties and actions as set forth in Chapter 6.01.

Section 8. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this

Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 9. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 10. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney