

**TOWN OF ERIE**  
**ORDINANCE NO. \_\_\_\_-2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE  
AMENDING CHAPTER 10 OF TITLE 6 OF THE ERIE MUNICIPAL CODE  
BY THE ADDITION OF SECTIONS RELATED TO UNLAWFUL NOISES**

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE, COLORADO, AS FOLLOWS:**

Section 1.        A new Section 6-10-14 of the Erie Municipal Code is hereby enacted to read as follows:

**6-10-14:        UNLAWFUL NOISE:**

A.     No person shall:

1.     Operate any type of vehicle machine, or device;
2.     Carry on any activity; or
3.     Promote or facilitate the carrying on of any activity;

Any of which makes sound in excess of the level specified in this Section.

B.     Noise limits:

1.     Sound from any source, other than motor vehicle noise as regulated by Section 225 of the Model Traffic Code, shall not exceed any of the following limits for its appropriate zone:

Premises Receiving Sounds	Maximum Daytime (7:00 a.m. – 9:00 p.m.) Sound Level	Maximum Nighttime (9:00 p.m. – 7:00 a.m.) Sound Level
Residential	55 dB(A)	50 dB(A)
Mixed use	65 dB(A)	60 dB(A)
Other Industrial	80 dB(A)	75 dB(A)

2.     Sound from construction work:

- a.     During the hours of 7:00 a.m. to 7:00 p.m., sound for work of any type shall be deemed received in an industrial zone;
- b.     On weekend days and legal holidays, during the hours of 8:00 a.m. to 4:00 p.m., sound for work of any type shall be deemed received in an industrial zone; and

c. Under no circumstances shall amplified sound be considered as construction work activity.

3. Measurement:

a. Sound from a source on private property shall be measured at or inside the property line of property other than that on which the sound source is located.

b. Sound from a source on public property may be measured on that receiving property so long as the measurement is taken at least twenty-five (25) feet from the source, or it may be measured at or inside the property line of receiving property other than the public property on which the sound source is located.

c. For the purposes of this subsection, a leasehold shall be deemed a property of the lessee, and its boundary with adjacent property owned by the lessee shall be deemed a property line.

d. All sound measurements shall be made on a sound level meter that meets ANSI specification s1.4-1974 for Type I or Type II equipment.

C. It shall be a defense to a charge of violating this Section that:

1. The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by laws or acting in time of emergency or by an emergency warning device operated by a government;

2. The sound was 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. The sound was made within the terms of a fireworks display or temporary street closure permit issued by the Town, or was made by the rendering of military honors at a funeral by a military funeral honors detail;

4. The sound was made by an animal;

5. The sound was made within the terms and conditions of a sound level variance granted by the Town;

6. The sound was made by a police alarm device, if the police alarm device shuts off automatically after no longer than ten (10) minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm system shuts off automatically after no longer than five (5) minutes;

7. The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow;

8. The sound was made between the hours of 7:00 a.m. and 9:00 p.m. by a lawn mower or lawn care/gardening equipment equipped with a standard muffling system in good repair; or

9. The sound was generated by any Town-permitted event, including without limitation concerts in the park, farmer's markets and block parties, provided that the activity is within the limits of the permitted activity.

E. This Section shall not be construed to conflict with the right of any person to maintain an action in equity to abate a noise nuisance under any other law.

Section 3. A new Section 6-10-16 of the Erie Municipal Code is hereby enacted to read as follows:

**6-10-15: CIVIL ENFORCEMENT**

A violation of the provisions of Section 6-10-14 shall be deemed a public nuisance, and the Town Attorney or prosecutor is authorized to bring an action before any court of competent jurisdiction to enjoin the same.

Section 4. Section 6-4-3.B of the Erie Municipal Code, Disorderly Conduct, is hereby repealed in its entirety.

Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid..

Section 6. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 7. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 25<sup>th</sup> day of February, 2020.**

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Jennifer Carroll, Mayor

**ATTEST:**

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Joanne Salser, Deputy Town Clerk