

**CITY OF WOODLAND PARK, COLORADO  
ORDINANCE NO. 1479  
(Series of 2024)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,  
COLORADO REPEALING AND REENACTING CHAPTER 9.41 OF THE CITY  
MUNICIPAL CODE TO REGULATE NOISE WITHIN THE CITY**

**WHEREAS**, the City of Woodland Park, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

**WHEREAS**, pursuant to C.R.S. § 25-12-101, the Colorado General Assembly found that noise is a major source of environmental pollution which represents a threat to an individual's serenity and quality of life;

**WHEREAS**, further, pursuant to C.R.S. § 31-15-401, the City possesses the authority to adopt laws and ordinances within its police power in furtherance of the public welfare;

**WHEREAS**, the City's regulation of noise has not been modified since 2002 and it has become necessary to update the Woodland Park Municipal Code (the "Code") to allow for more enforceable standards;

**WHEREAS**, the City Council finds it desirable and prudent properly regulate noise to protect the welfare of the public;

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general welfare of its citizens to amend Chapter 9.41 of the Code, by repealing and reenacting Chapter 9.41.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

**Section 1.** Chapter 9.41, "Noise" is hereby repealed in its entirety.

**Section 2.** The new Chapter 9.41, "Noise" is hereby added to the Code of the City of Woodland Park as follows:

**CHAPTER 9.41  
NOISE**

**Sec. 9.41.010. - Purpose.**

This Chapter is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of the City through the reduction, control and prevention of noise. It is the intent of this Chapter to establish standards that will eliminate and reduce unnecessary and

excessive noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

**Sec. 9.41.020. - Definitions.**

The following words and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them:

"Ambient sound" means the sound pressure level of all sound associated with a given environment and being a composite of sounds from many sources during the period of observation excluding specific noise sources of interest.

"Amplified sound" means any sound produced by any means, the volume of which is amplified or increased through electronic or electromechanical means.

"A-weighted sound pressure" means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A).

"Commercial power equipment" means any equipment or device rated at more than five (5) horsepower and used for building repairs or property maintenance, excluding snow removal and lawn care equipment.

"Construction equipment" means any equipment or mechanical apparatus operated by fuel, electric or pneumatic power in the excavation, construction, repair, maintenance or demolition of any building, structure, lot, parcel, street, alley, waterway or appurtenance thereto.

"Decibel" means a logarithmic unit of measure often used in measuring magnitude of sound. The symbol is dB.

"Domestic power equipment" means any equipment or device rated at five (5) horsepower or less and used for building repairs or grounds maintenance, excluding snow removal, tree maintenance and lawn care equipment.

"Emergency power generator" means that the equipment used to generate electrical power in the event of an interruption, malfunction or failure of the electrical power supplied by a service provider.

"Emergency vehicle" means an authorized motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency or police activity, or which is required by state or federal regulations.

"Emergency work" means an activity made necessary to restore property to a safe condition following a severe weather incident, natural disaster or public calamity, or work required to protect persons or property from injury or exposure to imminent danger. It includes work by private or

public entities for immediately providing or restoring necessary utility service, as well as all situations deemed necessary by the City.

"Industrial premises" means any premises where manufacturing, processing or fabrication of goods or products takes place.

"Lawn care equipment" means equipment used to cut, vacuum or sweep grass, blow away lawn clippings or leaf debris, or aerate turf.

"Motor vehicle" means any vehicle which is self-propelled and used for transporting persons or property upon public roadways, inclusive of motorcycles. The term motor vehicle shall not include: aircraft, watercraft, mechanical street sweepers, self-propelled construction equipment, motor vehicles operated exclusively on private property for recreational or amusement purposes, vehicles used exclusively on stationary rails, or specialized utility vehicles normally used only on private property in the daily course of business, such as forklifts and pallet movers.

"Muffler-approved exhaust type" means an apparatus which consists of a series of chambers, baffle plates or other mechanical devices designed for the purpose of receiving and transmitting exhaust gases and which reduces sound emanating from such an apparatus by at least twenty (20) decibels in the A-weighting network dB(A) from the nonmuffled condition.

"Noise" means sound that is unwanted and which causes or tends to cause annoyance and/or adverse physiological effects on human beings, or disturbs the peace and quiet of persons on a receptor premises.

"Premises" means any building, structure, land, utility or portion thereof, including all appurtenances, and also includes yards, lots, courts, inner yards and properties without buildings or improvements owned or controlled by a person.

"Property line" means that real or imaginary line and its vertical or horizontal extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, inclusive of the lines that separate units in a multiple-unit building.

"Public premises" means all property, including appurtenances thereon, which is owned or controlled by any governmental entity, and includes streets, alleys, sidewalks, parks and waterways.

"Receptor premises" means a premises (residential, commercial, industrial or public) as listed in Table 9-A below which is receiving noise emitted from a source premises after crossing one (1) or more property lines.

"Residential premises" means any lot, parcel or premises where single-family, two-family, or multiple-dwelling units exist, and shall also include schools, churches, nursing homes, long-term care and similar institutional facilities where the use of more than fifty percent (50%) of the gross floor area of the subject premises satisfies and meets this definition.

"Snow removal equipment" means any equipment used for removing snow from land or building surfaces and includes snowplows, snowblowers, snow sweepers, and snow shovels.

"Sound" means an oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

"Sound level meter" means an apparatus or instrument, including a microphone, amplifier, attenuator, output meter and frequency weighting networks, for the measurement of sound levels. The sound level meter shall be a design and have the characteristics of Type 2 or better instrument as established by the American National Standards Institute, Publication S1.4-1971, entitled Specification for Sound Level Meters, or its current successor publication.

"Sound pressure level" means twenty (2) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter ( $20 \times 10^6$  Newtons/meter<sup>2</sup>) and is expressed in decibels (dB).

"Source premises" means a premises (residential, commercial, industrial or public) as listed in Table 9-A that is emitting noise that is crossing one (1) or more property lines and impacting the receptor premises.

"Tree maintenance equipment" means any equipment used in trimming or removing trees only, and shall not be limited to chainsaws, shippers and stump removers.

**Sec. 9.41.030. - Prohibitions.**

- A. It is unlawful for any person to use, keep, have in his or her possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to person in the neighborhood; provided, however, that the provisions of this Section shall not apply to hospitals licensed for the treatment of small animals.
- B. It is unlawful for any person to carry or use upon a vehicle, other than Police or Fire Department vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Department.
- C. It is unlawful for any person to emit or cause to be emitted any noise which leaves the premises on which it originates, inclusive of a public premises, crosses a property line and enters onto any other premises in excess of the sound pressure levels during the time

periods as specified in Table 9-A below. In determining whether a violation of this Section is occurring, the noise and/or noise source shall be measured at any point along the property line or within the property line of the receiving or receptor premises.

<b>TABLE 9-A Maximum Allowable Noise Levels (in dBA) with Time-of-Day Allowance</b>								
	<i>Receptor Premises</i>							
	<i>Residential</i>		<i>Commercial</i>		<i>Industrial</i>		<i>Public</i>	
Source Premises	7 a m - 9pm	9 p m - 7am	7 a m - 9pm	9 p m - 7am	7 a m - 9pm	9 p m - 7am	7 a m - 9pm	9 p m - 7am
Residential	55	40	65	60	80	75	75	70
Commercial	55[60]	50[60]	65	60	80	75	75	70
Industrial	55[65]	50[65]	65	60	80	75	75	70
Public	55[60]	55[60]	65	60	80	75	75	70

D. When in any case it is determined that the ambient sound level at the receiving premises equals or exceeds the maximum allowable sound pressure level specified in Table 9-A, the ambient sound level of the receiving premises is the standard which cannot be exceeded by the subject or offending noise.

**Note-** The numbers in brackets [ ] are the allowable limits that comply with Exemption (J) below.

**Sec. 9.41.040. - Exemptions.**

Notwithstanding the provision of Section 9.41.030 above, the maximum allowable sound pressure levels as set forth in Table 9-A above shall not apply to sounds emitted from:

- A. Any bell or chime from any building clock, school or church, but excluding any amplified bell or chime sounds emitted from loudspeakers.
- B. Any siren, whistle, bell or audible warning device lawfully used by an emergency vehicle or on construction equipment, or any other alarm system used in case of fire, collision, civil defense, police activity or imminent danger; provided, however, that burglar alarms or

construction equipment alarms or warning devices not terminated within fifteen (15) minutes after being activated shall be deemed a nuisance and unlawful.

- C. Any tree maintenance or lawn care equipment operated upon a residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 9:30 p.m.; provided, however, that the operation of tree maintenance or lawn care equipment between the hours of 9:30 p.m. and 7:00 a.m. shall not exceed the maximum sound pressure levels as specified in Table 9-A above.
- D. Any construction equipment or activities in compliance with Section 9.41.050(3) below.
- E. Any domestic power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 9:30 p.m.; provided that such equipment does not exceed a sound pressure level of eighty (80) dB(A) when measured twenty-five (25) feet from the property line of the property on which the equipment is being operated; and further provided that, between the hours of 9:30 p.m. and 7:00 a.m., such equipment does not exceed the maximum sound pressure levels as specified in Table 9-A above.
- F. The musical instruments of any school marching band while performing at any sporting event or marching band competition, and the musical instruments of any school marching band practicing on school grounds that do not exceed sixty-five (65) dB(A) when measured at the property line of any receiving residential premises.
- G. Snow removal equipment operated on any premises following a snowstorm between the hours of 5:00 a.m. and 10:00 p.m.; provided that such equipment does not exceed the sound pressure limits of eighty-eight (88) dB(A) commercial equipment, or eighty (80) dB(A) for domestic power equipment, when measured at a distance of twenty-five (25) feet from the property line of the property on which the equipment is being operated.
- H. Any power generator providing emergency electrical power at any hospital, health clinic, nursing home or similar facility where the loss of electrical power poses an immediate risk to the health, safety or welfare of any person, or at any premises where such equipment is required by the Fire Department. Additionally, the noise emitted during the routine testing of emergency electrical power generators shall not exceed eighty-eight (88) dB(A) at a distance of twenty-five (25) feet from the property line for the property on which the generator is operated. Routine testing shall not exceed one (1) hour in any one-week period or two (2) hours in any six-week period, and shall be confined to the hours of 10:00 a.m. to 4:00 p.m., or as otherwise approved.
- I. Any industrial, commercial, or public premises exceeding the standards of Table 9-A above at a receiving residential premises when such industrial, commercial or public premises and their emitted noise level were in existence prior to the existence of the residential premises; provided, however, that the existing industrial premises does not exceed sixty-

five (65) dB(A), and the commercial premises do not exceed sixty (60) dB(A), when measured at the receiving residential premises.

- J. Any industrial, commercial, or public premises exceeding the standards of Table 9-A above at a receiving residential premises when such industrial, commercial or public premises and their emitted noise level were in existence prior to the existence of the residential premises; provided, however, that the existing industrial premises does not exceed sixty-five (65), and the commercial premises do not exceed sixty (60) dB(A), when measured at the receiving residential premises.
- K. Any noise specifically authorized by permit duly issued by the City, inclusive of the parade permit, and noise created or caused by employees, contractors or agents of the City while performing emergency work or activities necessary to address a natural or manmade disaster, calamity or emergency.

**Sec. 9.41.050. - Prohibited noise activities.**

Notwithstanding the sound pressure levels and/or limits permitted in Section 9.41.030 above, the following activities are prohibited everywhere in the City:

- A. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident, or is reasonably necessary to inform or warn of a vehicle presence, inclusive of audible back-up safety warning devices.
- B. No person shall operate any trash compacting mechanism on any motor vehicle or on any premises, not shall any person engage in any trash, rubbish or garbage collection activity, between the hours of 10:00 p.m. and 6:30 a.m. when such compacting or collection activity takes place on any premises, other than a public premises, adjacent to, or across the street or alley from, a residential premises.
- C. No person shall operate any construction equipment, not conduct any construction activities, that exceeds the noise limits of Table 9-A above between the hours of 9:00 p.m. and 7:00 a.m.; provided, however, that the City may grant variances from the construction restrictions if it can be demonstrated that a construction project will interfere with traffic if completed during daytime hours, or that other extenuating circumstances exist requiring relief from this prohibition; and further excepting the operation of municipal street sweeping equipment.
- D. Except for an authorized public address system utilized to announce a sporting or recreational event, no noise shall be emitted from any radio, tape/CD player, electronic sound system or similar electronic amplified sound reproduction or receiving device on or

within any public park or recreational area in excess of fifty-five (55) dB(A) unless authorized under a permit as obtained under Section 9.41.090 below.

**Sec. 9.41.060. - Motor vehicle noise prohibited.**

- A. No person shall operate, nor shall the owner permit the operation of, any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the following noise sound pressure levels for the category of motor vehicles as specified in Table 9-B shall apply to all noise emitted from a motor vehicle, including any and all

<b>TABLE 9-B Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles</b>			
<i>Type of Vehicle</i>	<i>Time Period</i>	<i>Maximum Allowable Sound Pressure Level</i>	<i>Measurement Distance from Motor Vehicle</i>
Motor vehicles weighing less than 10,000 lbs., manufacturer's gross vehicle weight (GVWR)	At any time	80 dB(A)	25 feet
Motor vehicles weighing 10,000 lbs. or more, manufacturer's gross vehicle weight (GVWR)	At any time	86 dB(A)	25 feet

equipment thereon, and under any condition of acceleration, deceleration, idle, grade or load, and whether or not in motion; excepting audible backup safety warning devices.

- B. It is unlawful for any person to drive or move, or for the owner of any motor vehicle to permit to be driven or moved, any motor vehicle which is not equipped with an approved exhaust muffler satisfying the requirements of this Section; and/or to modify or change an approved exhaust muffler, air intake muffler or any other sound-reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in Table 9-B below, or is increased above the sound pressure level of the vehicle as originally manufactured. Muffler cutouts, bypasses or other devices which increase sound pressure or change the original manufactured exhaust system of any motor vehicle shall be considered a violation of this Chapter.

**Sec. 9.41.070. - Sound level measurements.**

Sounds level measurements made pursuant to this Chapter shall be made with a sound level meter of standard design using the weighting network/scale.

**Sec. 9.41.080. - Sound permits.**

- A. Any person desiring to obtain a permit to exceed the noise levels designated in this Chapter may make an application to the City Manager or their duly authorized representative.
- B. The City Manager or their duly authorized representative may grant or deny a permit application taking into consideration the nature and duration of the noise/activity sought to be permitted, the location of the proposed noise/activity, the anticipated impact of the proposed noise/activity on surrounding properties and neighborhoods, and whether the public health and safety will be injured or served by the issuance of the permit.
- C. The City Manager may conduct a public hearing to consider a permit application if he or she deems it necessary or appropriate. Notice of the hearing must be sent to the permit applicant at least three (3) days in advance thereof by either telephone, facsimile, electronic mail. Regular mail or such other method as will likely and timely reach the applicant. Notice to the public of the hearing shall be timely posted at the place or location annually designed by the City Council under 24-6-402(2)(c), C.R.S., as amended.
- D. The City Manager may prescribe such permit conditions or requirements as he or she may deem necessary to minimize the adverse impacts the proposed noise/activity may have upon the community or surrounding neighborhood, including, but not limited to, the hours of operation, maximum decibels the type of any sound amplification equipment and the type of sound that may be amplified. A permit granted by the City Manager under this Chapter shall contain all conditions upon which the permit has been granted and shall specify the locations and times that the permit shall be effective.
- E. An applicant dissatisfied with a decision of the City Manager may seek an appeal of the same to the City Council by submitting a written notice of appeal to the City Clerk within five (5) days from the date of the decision sought to be appealed.

**Sec. 9.41.090 -Inspections.**

- A. For the purpose of determining compliance with the provision of this Article, the Chief of Police or other designated City representative shall be authorized to make inspection of all noise sources and to take measurements and tests whenever necessary to determine the volume and character of noise. If any person refuses or restricts entry and free access to any part of a premise, or refuses to allow the inspection, testing or noise measurement of any activity, device, facility or motor vehicle where inspection is sought, the City official seeking such access and/or testing may petition the Municipal Court for a warrant for inspection requiring that such person permit entry and free access to the subject premises without interference, restriction or obstruction at a reasonable time for the purpose of inspecting, testing or measuring noise. The Municipal Court shall have power, jurisdiction, and authority to enforce all orders issued under the provisions of this Article.

- B. It is unlawful for any person to refuse to allow or permit City officials charged with enforcing this Chapter free access to any premises when such official is acting in compliance with a warrant or court order issued by the Municipal Court.
- C. It is unlawful for any person to violate the provisions of any warrant to court order requiring inspection, testing or measurement of noise or noise sources.
- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any City official performing his or her duties under this Chapter.

**Sec. 9.41.100. - Penalties.**

Any person who violated any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed one thousand dollars, or be imprisoned for a period not to exceed one year, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable under this Chapter.

**Sec. 9.41.110. - Injunction.**

As an additional remedy, the repeated operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Chapter, or animal noise which acts have been held to be a violation of this Chapter, and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**Section 3.** *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**Section 4.** *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

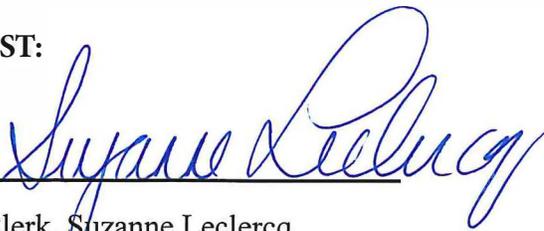
PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS 15TH DAY OF AUGUST, 2024.

City of Woodland Park



Kellie Case, Mayor

**ATTEST:**

  
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City Clerk, Suzanne Leclercq

