

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 8-2021**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.48, OF THE TOWN OF PALMER LAKE MUNICIPAL CODE BY AMENDING SECTIONS 9.48.050 AND 9.48.060 REGARDING EXCESSIVE NOISE**

**WHEREAS**, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

**WHEREAS**, previously the Board adopted regulations for excessive noise within the Town of Palmer Lake, said regulations appearing in sections 9.48.050 and 9.48.060 of the Town Municipal Code; and

**WHEREAS**, the Board of Trustees has determined that it is in the public interest to further define and prohibit certain specific noise levels at certain times and within certain areas of the town in order to protect the peace and quiet of its residents and visitors.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, THAT:**

**Section 1.**

Title 9, Chapter 9.48 of the Palmer Lake Municipal Code shall be amended as follows:

**9.48.050 Prohibition of noises disturbing the public peace.**

(a) It shall be unlawful for any person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person. In applying the provisions of this Section, the following noise levels shall create a presumption that the noise unreasonably disturbs the peace and quiet of persons in the vicinity outside the following allowable hours.

Live or Amplified Noise.

AMPLIFIED SOUND SHALL MEAN THE USE OR OPERATION OF ANY LOUDSPEAKER, PUBLIC ADDRESS SYSTEM, OR OTHER SOUND AMPLIFYING EQUIPMENT FOR THE PURPOSE OF GIVING INSTRUCTIONS, DIRECTIONS, TALKS, ADDRESSES OR LECTURES, OR FOR TRANSMITTING MUSIC OR SOUND TO ANY PERSONS OR ASSEMBLAGES OF PERSONS; ANY AMPLIFIED SIGNAL FROM ANY BELL, CHIME, SIREN, WHISTLE OR SIMILAR DEVICE INTENDED FOR NONEMERGENCY PURPOSES. AMPLIFIED SOUND SHALL

NOT INCLUDE SOUND WHICH IS NOT AUDIBLE FIFTY (50) OR MORE FEET FROM THE PROPERTY LINE OF THE PROPERTY UPON WHICH THE SOUND SOURCE IS LOCATED.

Allowable live or amplified noise shall be Sunday through Thursday from 11:00 AM until 8:00 PM and Friday and Saturday from 11:00 AM until 10:00 PM with restricted volume.

**Construction/Industrial/Business Noise.**

CONSTRUCTION OR INDUSTRIAL OR BUSINESS NOISE SHALL MEAN A CONTINUOUS POWERED EQUIPMENT, PAVEMENT BREAKERS AND JACKHAMMERS, MECHANICAL DEVICE, AND OTHER NOISE MAKING EQUIPMENT UTILIZED FOR WORK ACTIVITY; AND ANY UNREASONABLE NOISE INCLUDING BUT NOT LIMITED TO THE SOUNDING OF ANY HORN, SIGNALING DEVICE, OR SIMILAR DEVICE ON ANY AUTOMOBILE, MOTORCYCLE OR OTHER VEHICLE.

Allowable construction or industrial or business noise shall be Monday through Saturday from 8:00 AM until 6:00 PM.

**General Home Noise.**

GENERAL HOME NOISE INCLUDES BUT IS NOT LIMITED TO GRASS CUTTING, WEED WHIPPING, SNOW BLOWING, SAWING, OR OTHER GENERAL MAINTENANCE AROUND A RESIDENCE; ANY SIGNALING DEVICE INCLUDING FIRE, BURGLAR, SIREN, WHISTLE UNLESS IN AN EMERGENCY; RADIOS, TELEVISIONS, BOOM BOXES, PHONOGRAPHS, STEREOS, MUSICAL INSTRUMENTS.

Allowable general home noise shall be Monday through Saturday from 8:00 AM until 8:00 PM and Sunday from 8:00 AM until 6:00 PM.

(b) For purposes of this section, measurements of live and/or amplified noise with sound level meters above 70 dB from the location of the complaint of the noise is made.

**9.48.060 Exemptions.**

The following activities shall be exempted from the provisions of this chapter:

- A. A special event as approved by the Town Board of Trustees.
- B. Any mechanical device, apparatus, machinery, equipment, portable generator or manpower related to or connected with an emergency response or emergency work as defined in Palmer Lake Municipal Code Section.

C. A stationary generator which is installed and used during emergencies or utility power, or for routine testing and maintenance.

D. The sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes or for their testing.

E. Devices used in conjunction with places of religious worship, such as bells, carillons, chimes and the like.

F. The Town Administrator or his/her designee may grant exceptions to the time limitations for work performed on private property; work performed on public facilities and/or within the public right-of-way for:

1. Construction projects of Town, County, State, other public agency, or other public utility.
2. When sufficient cause has been demonstrated to the Town Administrator, for reasons other than those listed above.

Or upon receipt of all required information, to the satisfaction of the Town Administrator, a determination for approval or denial shall be issued in writing. If approved, the Town Administrator may include conditions as determined necessary to protect the health, safety and welfare of residents and/or the general public, including requiring the applicant to provide notice to all properties within three hundred feet of the subject site/location no less than three days prior to beginning work. However, a longer noticing time period may be required by the Town administrator if warranted by the scope of work and specific request.

#### **9.48.070 Permit for Amplified Sound.**

A licensed establishment shall be required to obtain a permit to provide outdoor live or amplified sound event on private property. AN OUTDOOR AMPLIFIED SOUND EVENT ON PRIVATE PROPERTY IS PERMITTED UNDER THIS SECTION UNDER THE FOLLOWING CONDITIONS:

- (1) THE EVENT SPONSOR/PROPERTY OWNER MUST APPLY FOR AND RECEIVE AN ADMINISTRATIVE PERMIT FOR EVENT(S), ON FORMS PROVIDED BY THE TOWN OFFICE;
- (2) THE APPLICATION SHALL BE APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY THE TOWN ADMINISTRATOR/CLERK, AFTER REVIEW BY THE POLICE DEPARTMENT;
- (3) NO AMPLIFIED SOUND EVENT PERMIT MAY BE ISSUED FOR AN EVENT OUTSIDE THE HOURS OF 11:00 AM AND 8:00 PM SUNDAY THROUGH THURSDAY AND 11:00 AM AND 10:00 PM FRIDAY AND SATURDAY. WITHIN THIS TIME RANGE, PERMITTED EVENTS MAY BE LIMITED IN DURATION AS DETERMINED BY THE TOWN ADMINISTRATOR/CLERK;
- (4) CONDITIONS MAY BE IMPOSED ON THE PERMIT TO ADDRESS THE NATURE AND LOCATION OF THE SPECIFIC EVENT. FAILURE OF THE

PERMITTEE TO COMPLY WITH THE CONDITIONS MAY RESULT IN THE PERMIT BEING REVOKED;

- (5) THE POLICE DEPARTMENT SHALL HAVE AUTHORITY TO REQUIRE THE PERMITTEE TO REDUCE THE SOUND VOLUME, CURTAIL THE HOURS OF THE EVENT, OR CLOSE THE EVENT ENTIRELY, IF THE SOUND LEVEL AT THE EVENT, EVALUATED FROM THE AREA OF A COMPLAINT IS FOUND TO BE EXCESSIVE BY THE ALLOWED DECIBEL LEVEL OF NOISE.

**Section 2.**

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 Town Board hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


**Section 3.**

Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.


**INTRODUCED, READ AND PASSED AT A FIRST READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 8TH DAY OF JULY 2021.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

  
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Dawn A. Collins  
Town Administrator/Clerk

BY:

  
\_\_\_\_\_  
William Bass  
Mayor