

**ORDINANCE NO. 12
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

**A REVISED AND RESTATED ORDINANCE NUMBER 12 ADOPTING
REGULATIONS TO CONTROL, REGULATE AND ABATE NOISE WITHIN
UNINCORPORATED SUMMIT COUNTY.**

WHEREAS, on January 10th, 2000 pursuant to C.R.S. § 30-15-401(1)(m)(I) and C.R.S. § 25-12-107 the Board of County Commissioners of Summit County, Colorado (“BOCC”) adopted existing Ordinance Number 12 Adopting Regulations to Control, Regulate and Abate Noise within Unincorporated Summit County; and

WHEREAS, to further promote the peace, health, safety and welfare of its citizens, the BOCC desires to revise and restate Ordinance Number 12; and

WHEREAS, C.R.S. § 30-15-401(1)(m)(I) authorizes the BOCC to adopt regulations necessary to control noise on public and private property and prohibit the operation of any vehicle that is not equipped with an adequate muffler; and

WHEREAS, pursuant to C.R.S. § 25-12-107, the BOCC is authorized to adopt an ordinance prohibit the operation of motor vehicles within their respective jurisdictions which produce noise in excess of predetermined sound levels; and

WHEREAS, the Board of County Commissioners of Summit County, Colorado (“BOCC”) finds that the peace, health, safety and welfare of its citizens requires protection from excessive, unnecessary and unreasonable noise.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT the following noise and noise level regulations shall be known as Ordinance No. 12, the “Ordinance Adopting Regulations to Control, Regulate and Abate Noise within Unincorporated Summit County, Colorado” and shall be enforced within unincorporated Summit County, Colorado.

- I. DEFINITIONS. As used in this Ordinance, unless the context otherwise requires, the following words shall mean:
- a. “Ambient Noise Level” means the lowest sound level which repeats itself during a six-minute period as measured with a sound level meter and can be heard and measured from the point a noise reading is made. 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. “Commercial zone” means:
 - i. An area where offices, clinics, and other facilities needed to serve them are located;
 - ii. An area with local shopping and service establishments located within walking distances of the residents served;
 - iii. A tourist-oriented area where hotels, motels, and gasoline stations are located;
 - iv. A large integrated regional shopping center;
 - v. A business strip along a main street containing offices, retail businesses, and commercial enterprises;
 - vi. A central business district; or
 - vii. A commercially dominated area with multiple-unit dwellings.
 - c. “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.
 - d. “Decibel” is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10^{-5} N/m² (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one hundred percent increase or decrease in the sound level, and a ten-decibel change is a one thousand percent increase or decrease in the sound level.
 - e. “Industrial zone” means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity but shall not include agricultural, horticultural, or floricultural operations.
 - f. “Light industrial and commercial zone” means:

- i. An area containing clean and quiet research laboratories;
 - ii. An area containing light industrial activities which are clean and quiet;
 - iii. An area containing warehousing; or
 - iv. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.

- g. “Motorcycle” means a self-propelled vehicle with not more than three wheels in contact with the ground that is designed primarily for use on the public highways.

- h. “Motor vehicle” means a self-propelled vehicle with at least four wheels in contact with the ground that is designed primarily for use on the public highways.

- i. “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.

- j. “Off-highway vehicle” means a self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways.

- k. “Off-highway vehicle” shall not include the following:
 - i. Military vehicles;
 - ii. Golf carts;
 - iii. Snowmobiles;
 - iv. Vehicles designed and used to carry persons with disabilities; and
 - v. Vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes.

- l. “Residential zone” means an area of single-family or multifamily 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 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 hospitals, nursing homes, and similar institutional facilities.

- m. “SAE J1287” means the J1287 stationary sound test or any successor test published by SAE international or any successor organization.

- n. "SAE J2567" means the J2567 stationary sound test or any successor test published by SAE international or any successor organization.
- o. "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways. "Snowmobile" shall not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

II. MAXIMUM PERMISSIBLE NOISE LEVELS

- a. Every activity to which this Ordinance is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittent, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five (25) feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

<i>Zone</i>	<i>7:00 a.m. to next 7:00 p.m.</i>	<i>7:00 p.m. to next 7:00 a.m.</i>
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

- b. In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed six minutes in any one-hour period.
- c. Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection (a) of this section.
- d. Construction projects: noise from construction operations is prohibited on Sundays, and from 7:00 p.m. to 6:59 a.m. on weekdays and Saturdays except as provided in a County approved temporary or conditional use permit or in County approved PUD designations, or when construction work is required to make emergency repairs. Construction noise shall not exceed the maximum permissible noise levels specified for industrial zones.

- e. All railroad rights-of-way shall be considered as industrial zones for the purposes of this article, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.
- f. 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 (5) miles per hour.
- g. 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.

III. MOTOR VEHICLE NOISE

- a. No person shall drive, operate, or knowingly permit to be driven or moved, a motor vehicle on a public road or highway that produces noise in excess of the sound levels in decibels, measured on the "A" scale on a standard sound level meter having characteristics established by the American national standards institute, publication S1.4--1971, and measured at a distance of fifty feet from the center of the lane of travel and within the speed limits specified below:

<i>Type of Vehicle</i>	<i>Speed limit of 35 mph or less</i>	<i>Speed limit of more than 35 mph</i>
Any motor vehicle with a manufacturer's gross vehicle weight rating of six thousand pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a low-power scooter:		
- Before January 1, 1973	88 db(A)	90 db(A)
- On or after January 1, 1973	86 db(A)	90 db(A)

- b. This section applies to the total noise from a vehicle or combination of vehicles.
- c. For the purpose of this section, a truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of six thousand pounds or more if the unladen weight is more than five thousand pounds.

IV. OFF-HIGHWAY VEHICLES

- a. An off-highway vehicle operated within unincorporated Summit County shall not emit more than the following level of sound when measured using SAE J1287:
 - i. If manufactured before January 1, 1998.....99 db(A)
 - ii. If manufactured on or after January 1, 1998.....96 db(A)

- b. A snowmobile shall not emit more than the following level of sound when measured using SAE J2567:
 - i. If manufactured on or after July 1, 1972, and before July 2, 1975.....90 db(A)
 - ii. If manufactured on or after July 2, 1975.....88 db(A)

- c. A person shall not sell or offer to sell a new off-highway vehicle that emits a level of sound in excess of that prohibited by subsection (a) of this section unless the off-highway vehicle complies with federal noise emission standards. A person shall not sell or offer to sell a new snowmobile that emits a level of sound in excess of that prohibited by subsection (b) of this section unless the snowmobile complies with federal noise emission standards.
 - i. For the purposes of this section, a “new” snowmobile or off-highway vehicle means a snowmobile or off-highway vehicle that has not been transferred on a manufacturer's statement of origin and for which an ownership registration card has not been submitted by the original owner to the manufacturer.

- d. This section shall not apply to the following:
 - i. A vehicle designed or modified for and used in closed-circuit, off-highway vehicle competition facilities;
 - ii. An off-highway vehicle used in an emergency to search for or rescue a person; and
 - iii. An off-highway vehicle while in use for agricultural purposes.

- e. The following shall be an affirmative defense to a violation under this section if the off-highway vehicle or snowmobile:
 - i. Was manufactured before January 1, 2005;
 - ii. Complied with federal and state law when purchased;
 - iii. Has not been modified from the manufacturer's original equipment specifications or to exceed the sound limits imposed by subsection (a) or (b) of this section; and
 - iv. Does not have a malfunctioning exhaust system.

V. VEHICLE MUFFLER REQUIRED

- a. No Person shall operate any vehicle within unincorporated Summit County that is not equipped with a muffler in constant operation.
- b. No person shall operate any vehicle within unincorporated Summit County that is not equipped with a muffler in constant operation and is not properly maintained to prevent an increase in the noise emitted by the vehicle above the noise emitted when the muffler was originally installed.
- c. No person shall operate any vehicle in unincorporated Summit County having a muffler that has been equipped or modified with a cutoff and bypass or any similar device or modification.

VI. EXEMPTIONS. This Ordinance shall not apply to:

- a. The operation of aircraft or to other activities which are subject to federal law with respect to noise control.
- b. Property used for: Manufacturing, industrial, or commercial business purposes; public utilities regulated pursuant to title 40, C.R.S.; and oil and gas production subject to the provisions of article 60 of title 34, C.R.S.
- c. 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 Summit County or other governmental agency having lawful jurisdiction to authorize such use.
- d. The use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow.
- e. The use of property by the State of Colorado, 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, parades, and firework displays.

- f. Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- g. The sound made by animals.
- h. 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.
- i. Public utilities regulated pursuant to Title 40, C.R.S.
- j. Oil and gas production subject to the provisions of Article 60 of Title 34, C.R.S.
- k. The sound made within the terms of a fireworks display permit.
- l. Sport shooting ranges to the extent provided in section 25-12-109, C.R.S.
- m. Activities conducted pursuant to a special use permit issued or otherwise authorized by the County in which noise is addressed.

VII. VIOLATIONS AND PENALTIES

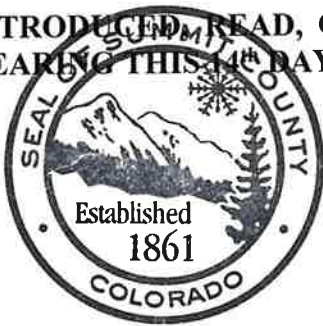
- a. Any person who violates this Ordinance commits a civil infraction and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation.
- b. The penalty assessment procedure provided in section 16-2-201, C.R.S. shall be followed by any arresting law enforcement officer for any such violation.
- c. In addition to the penalties prescribed in subsection (a) of this section, persons convicted of a violation of this Ordinance are subject to a surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.
- d. All persons who acknowledge guilt or are found guilty shall be punishable by a fine of thirty dollars (\$30.00) for each separate offense, plus customary court costs. A graduated fine schedule is to apply for repeat violations: a thirty dollar

(\$30.00) increase for each recurring offenses, beginning at thirty dollars (\$30.00) to a maximum of six hundred dollars (\$600.00).

VIII. ACTION TO ABATE. This Ordinance 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.

IX. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS 14TH DAY OF MARCH 2023.



**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

By: 
Joshua Blanchard, Chair

ATTEST:

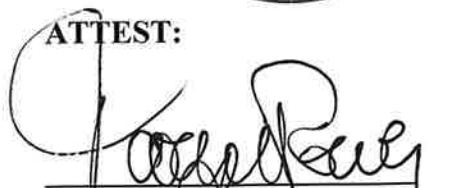
Taryn Power, Clerk & Recorder

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND PUBLISHED IN THE SUMMIT COUNTY JOURNAL ON MARCH 31, 2023 AND ORDERED PUBLISHED BY TITLE ONLY THIS 25TH DAY OF APRIL, 2023.



**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

By: 
Joshua Blanchard, Chair

ATTEST:

Taryn Power, Clerk & Recorder