

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XI. 7.
Meeting Date: October 21, 2024**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Cassidy Davenport, Planner I

DATE: 10/21/2024

ITEM: Noise Ordinance Spreadsheet and Examples

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE: Staff requests that the BOT review the attached information regarding noise ordinances in other municipalities when considering noise ordinances in the Town of Lyons.

No specific recommendations or changes are being suggested at this time.

II. PROJECT HISTORY: Noise ordinances in the Town of Lyons are currently being discussed so that noise expectations will be clearer and more aligned with town goals moving forward. The Town of Lyons currently has some codes regarding noise (see below), but many other municipalities have decibel limits, permitting processes for exceptions, or more specific guidance for residents as to what is considered a violation of the noise ordinance.

- a. Some examples of sections other municipalities include or have more detailed sections for are:
 - i. Exemptions: church bells, school bells, etc.
 - ii. Noise from public events, school events, permitted events, etc.
 - iii. Noise restrictions for construction or hours for construction, also often higher decibel limits at times for these types of noises
 - iv. Noise restrictions and times for resident use of power tools, mowers, leaf blowers, etc.
 - v. Decibel limits based on noise receiving district (residential, commercial, industrial)
 - vi. Permitting process for exceptions
 - vii. See the Excel sheet titled Noise Ordinance (Different municipalities) for a comparison on hours, days, decibels, general rules, exemptions, etc.
 - viii. See the PowerPoint presentation titled Noise Ordinance to view a comparison of decibel charts for different municipalities, often sorted by time, dates, and zone
- b. With Lyons' status as a community that values the arts, including live music, it seems there should be clear rules for how community members can comply with

the Town code or perhaps where the Town code should more closely align with community members' goals.

Lyons Municipal Code:

Article 11 - Noise

Sec. 10-11-10. – Unreasonable noise.

- a) It is unlawful to intentionally, knowingly or recklessly make, permit or assist another to make unreasonable noise in a public place or near a private residence that the person has no right to occupy, which, under all of the circumstances presented, would cause a person of ordinary sensitivities significant annoyance and irritation.
- b) The following noises and circumstances shall be deemed as *prima facie* unreasonable in the context, however, of the above standards:
 - 1) Electrically amplified sound audible twenty-five (25) feet from the source of said sound or within a private residence that the person has no right to occupy.
 - 2) Nonlicensed motor vehicle gasoline engines, nonvehicular gasoline engines and electric tools operated between 10:00 p.m. and 8:00 a.m. and audible twenty-five (25) feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.
 - 3) Repair or adjustment of a motor vehicle between 10:00 p.m. and 8:00 a.m. which is audible twenty-five (25) feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.
 - 4) A gathering of persons engaged in loud and continuing activities continuing for a minimum of fifteen (15) minutes between 10:00 p.m. and 8:00 a.m. and audible twenty-five (25) feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.
- c) The provisions of this Section shall not apply to:
 - 1) Noise generated during a Town-sanctioned event, to include, but not be limited to, Good Old Days.
 - 2) Noise from emergency signaling devices.
 - 3) Noise generated by tools or equipment during emergency operations or activities that are reasonably necessary for the public health, safety or welfare.

(Prior code 4-5-22; Ord. 956 § 1, 2014)

Sec. 10-11-20. - Use of loudspeakers.

It shall be unlawful for any person to use any radio, loudspeaker, musical instrument or any noise -making group or device within the Town for the purpose of vending, advertising or soliciting the sale of any merchandise or tickets of admission to any show or event or for the purpose of attracting attention to any signs or exhibits which are displayed in connection therewith.

(Prior code 4-9-4; Ord. 956 § 1, 2014)

Sec. 10-11-30. - Dynamic braking systems.

- a) It shall be unlawful for any person to engage, activate or otherwise use a dynamic braking system in the operation of a motor vehicle within the Town.

b) As used in this Section, the term *dynamic braking system* means a device used in the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes or as a means of assisting the operation or efficiency of wheel brakes.

(Prior code 4-5-16; Ord. 956 § 1, 2014)

III. RELATIONSHIP WITH OTHER PLANS: Noise is mentioned three times in the Lyons Thrive Comprehensive Plan including the following:

- a. Destination entertainment: Uses should be easily accessible from the highway, well-connected with trails and bicycle paths, and adequately buffered from residential areas to mitigate noise and other impacts (Page 76).
- b. Strategy NE-2e: Establish a process to identify and address noise and/or light pollution sources. Lead: Staff, Partners: SFC (Page 139).
- c. Emerging Technologies: Electric Vehicle (EV) technology continues to advance at a rapid pace... This technology's primary advantage at the town level is the reduction in vehicle emissions and noise pollution (Page 181).

IV. RECOMMENDED ACTION / NEXT STEPS: Staff recommend that the BOT review the attached documents and recommend to what extent Lyons would like to consider changing the noise ordinance. Options include adding decibel limits, construction times, permitting processes, changing the distance from noise requirements, etc.

V. FISCAL IMPACTS: None. The town could incur fiscal impacts if it decides to increase monitoring or response to noise complaints.

VI. LEGAL ISSUES: All Legal Analyses will be reviewed and considered during this application's review process.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: Reducing noise pollution could help protect some animals.

VIII. SUMMARY AND ALTERNATIVES: The BOT could advise on which areas related to noise pollution Lyons should focus on or add to the municipal code.