

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2024

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE: **xx**

4
5 A BILL

6
7 **For an ordinance concerning the regulation of noise.**

8
9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That chapter 36 of the code shall be amended by deleting the language stricken
11 and adding the language underlined, to read as follows:

12 **Sec. 36-1. Purpose.**

13 This chapter is enacted to protect, preserve and promote the health, safety, welfare, peace and
14 quiet for the citizens of the city through the reduction, control, and prevention of noise. This chapter
15 ~~establishes~~ provides for the establishment and enforcement of standards intended to eliminate ~~and or~~
16 reduce unnecessary ~~and or~~ excessive motor vehicle and community noises that are physically and
17 psychologically harmful ~~and or~~ otherwise detrimental to individuals ~~and or~~ the community in the
18 enjoyment of life ~~and or~~ property ~~and or~~ to the conduct of business.

19 **Sec. 36-2. Definitions.**

20 The following words and phrases, when used in this chapter, have the meanings respectively
21 ascribed to them:

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

24 (2) Ambient sound means the A-weighted sound pressure level of all sound associated with
25 a given environment that is exceeded 90 percent of the time (L90) measured and is a
26 composite of sounds from many sources during the period of observation with or without
27 the sound source of interest present.

28 (2) ~~Background sound level~~ means the ~~A-weighted sound pressure level of all sound~~
29 ~~associated with a given environment, exceeded ninety (90) percent of the time (L90)~~
30 ~~measured and being a composite of sounds from many sources during the period of~~
31 ~~observation while the noise level from the noise source of interest is not present.~~

32 (3) Board means the Denver board of public health and environment created in section
33 2.12.3 of the charter, or any successor body.

1 ~~(3)~~ (4) *Commercial power equipment* means any equipment or device rated at more
2 than five (5) horsepower designed to be used or being used for building repairs, or
3 property maintenance, excluding snow removal equipment.

4 ~~(4)~~ (5) *Commercial premises* means any land parcel with buildings where the use of less
5 than fifty (50) percent of the gross floor area meets the definition of residential premises
6 ~~as contained in subsection (21).~~

7 ~~(5)~~ (6) *Construction equipment* means any device or mechanical apparatus operated by
8 human, fuel, electric, or pneumatic power in the excavation, construction, repair, or
9 demolition of any building, structure, land parcel, street, alley, waterway, or
10 appurtenance thereto.

11 ~~(6)~~ (7) *Decibel* means a logarithmic unit of measure often used in measuring
12 magnitudes of sound. The symbol is dB.

13 (8) *Dog yard* means any area connected to or on the premises of a commercial business
14 where a dog is allowed to roam without the use of a leash, cord, chain, or other similar
15 restraint. Dog yard does not include an area connected to a residential premises, a
16 public park, a dog park on public premises, or a public event at a public park or on
17 public premises.

18 ~~(7)~~ (9) *Domestic power equipment* means any equipment or device rated at five (5)
19 horsepower or less and used for building construction, remodeling and repairs or
20 grounds maintenance, excluding snow removal equipment, operated by the owner and
21 or occupant of the property.

22 ~~(8)~~ (10) *Emergency vehicle* means a motor vehicle that has audible warning devices such
23 as whistles, sirens and bells when being lawfully used to respond to an emergency, or
24 during a police activity or that is required by state or federal regulations ~~(e.g., back-up~~
25 ~~alarms).~~

26 ~~(9)~~ (11) *Emergency-related work* is any activity made necessary to restore property to a
27 safe condition following a public calamity, civil disturbance, natural disaster or other
28 emergency; to protect persons or property from an imminent danger; or to secure
29 medical care for any person. It includes work by private or public entities for providing or
30 restoring immediately necessary service as well as all situations deemed necessary by
31 the city.

32 ~~(10)~~ *Emergency power generator* means any power generator providing emergency electrical
33 power at any hospital, health clinic, nursing home or similar facility where the loss of
34 electrical power poses a risk to the health, safety or welfare of any person, or at any

1 premises where such equipment is required by the Denver Fire Department.

2 (12) Executive director or manager means, unless the context otherwise requires, the
3 executive director of the department of public health and environment or the executive
4 director's designee.

5 ~~(10.5) Festival~~, for this purpose of this chapter, means cultural, athletic, educational,
6 charitable, or civic events (including those with entertainment) provided the event does
7 not exceed four days, is not part of a series of two (2) or more separate events in the
8 same vicinity, is open to the general public, a permit for street closure or occupancy is
9 obtained, and a license is, or licenses are, obtained to serve food, beverage, or liquor.

10 (13) Fireworks has the same meaning as set forth in C.R.S. § 24-33.5-2001 (5).

11 ~~(14)~~ (14) Gross floor area: The sum of the horizontal floor areas of a building or unit of a
12 building, including interior balconies and mezzanines, but excluding exterior balconies.
13 All horizontal dimensions of all floors are to be measured by the exterior faces of walls
14 of each such floor. The gross floor area computation shall exclude the following:

- 15 a. Any floor area devoted to mechanical equipment serving the building;
- 16 b. Any floor area used exclusively as parking space for motor vehicles; and
- 17 c. Floor area serving as a pedestrian mall or public accessway to shops and stores.

18 ~~(12)~~ (15) Industrial premises means any premises where manufacturing, processing or
19 fabrication of goods or products takes place regardless of whether located in a
20 residential, commercial or industrial zoned area.

21 ~~(13)~~ (16) Motor vehicle means any vehicle that is self-propelled, used primarily for
22 transporting persons or property upon public roadways and required to be licensed
23 according to motor vehicle registration laws, including, without limitation, automobiles,
24 trucks, and motorcycles. The term motor vehicle does not include: aircraft, watercraft,
25 motorized bicycles as defined in subsection 54-1(37) of this Code, motor vehicles
26 operated on private property for recreational or amusement purposes, vehicles used
27 exclusively on stationary rails, or specialized utility vehicles normally used only on
28 private property in the daily course of business, such as forklifts and pallet movers.

29 ~~(14)~~ (17) Muffler-approved type Muffler means an apparatus consisting of a series of
30 chambers, baffle plates, or other mechanical devices designed to receive and transmit
31 exhaust gases that is in constant operation and properly maintained to prevent any
32 excessive or unusual sound and that is not equipped with a cut-off, bypass, or similar
33 device.

34 ~~(15)~~ (18) Noise means sound that is unwanted and that causes or tends to cause adverse

1 ~~psychological or physiological effects on human beings~~ exceeds the sound pressure
2 levels permitted in this chapter or is otherwise prohibited by this chapter.

3 (46) (19) *Person* means any natural person, firm, association, organization, partnership,
4 business, trust, corporation, company, contractor, supplier, installer, user or owner, and
5 includes any municipal corporation, state or federal governmental agency, district, or
6 any officer or employee thereof.

7 (20) *Plainly audible* means that the information content of the sound is unambiguously
8 communicated to the listener; examples include, but are not limited to, understanding of
9 speech, comprehension of raised or normal voices, or comprehension of musical
10 rhythms.

11 (21) *Public noise producing event* means a cultural, athletic, educational, charitable, or civic
12 event (including one with entertainment) that has received all required permits or
13 licenses from a city agency or department and is open to the general public, including
14 an event that charges admission for entry.

15 (47) (22) *Premises* means every parcel of land in the city or portion thereof, including all
16 buildings, structures, land utilities (and all appurtenances thereto), yards, lots, courts,
17 and inner yards.

18 (48) (23) *Property line* means that real or imaginary line and its vertical extension that
19 separates real property owned or controlled by any person from contiguous real
20 property owned or controlled by another person. The vertical and horizontal boundaries
21 of a dwelling single unit in a ~~multi-dwelling-unit~~ multi-unit building, condominium, or
22 townhouse complex shall not be considered property lines separating one (1) premises
23 from another. The vertical and horizontal boundaries separating one building from
24 another building within the same parcel of real property owned or controlled by a person
25 shall not be considered property lines separating one premises from another.

26 (49) (24) *Public premises* means all real property, including appurtenances thereon, owned
27 or controlled by any governmental entity and includes, without limitation, rights-of-way,
28 streets, highways, sidewalks, alleys, parks, and waterways.

29 (20) (25) *Receptor premises* means the premises (residential, commercial, industrial, or
30 public) as listed in Table A receiving noise emitted from the source premises after
31 crossing one (1) or more property lines.

32 (24) (26) *Residential premises* means all premises containing dwelling unit(s), primary
33 schools, churches, nursing homes, hospitals, and similar institutional facilities and
34 includes any commercial premises where the use of more than fifty (50) percent of the

1 gross floor area meets this definition of residential premises. For purposes of this
2 definition, "dwelling unit" means a structure or part of a structure that is lawfully used as
3 a home, residence, or sleeping place.

4 ~~(22)~~ (27) *Sound* means an oscillation in pressure, stress, particle displacement and particle
5 velocity that induces auditory sensation.

6 ~~(23)~~ (28) *Sound level meter* means an apparatus or instrument that includes a microphone,
7 amplifier, attenuator, output meter, and frequency weighting networks for the
8 measurement of sound levels. The sound level meter must be of a design and have the
9 characteristics of a Type 2 or better instrument as established by the **American**
10 **National Standards Institute, publication S1.4-1971 entitled Specification for**
11 **Sound Level Meters.**

12 ~~(24)~~ (29) *Sound pressure level* means twenty (20) times the logarithm to the base ten (10)
13 of the ratio of the pressure of a sound to the reference pressure of twenty (20)
14 micronewtons per square meter (20×10^6 Newtons/meter²), and is expressed in
15 decibels (dB).

16 ~~(25)~~ (30) *Source premises* means the premises (residential, commercial, industrial, or
17 public) as listed in Table A that is emitting noise that is crossing one (1) or more
18 property lines and impacting the receptor premises.

19 ~~(26)~~ (31) *Snow removal equipment* means any equipment used for removing snow from
20 land or building surfaces including, without limitation, snow plows, blowers, sweepers,
21 and shovels whether operated by mechanical, electrical, or manual means.

22 ~~(27)~~ (32) *Tree maintenance equipment* means any equipment used or designed to be used
23 in trimming or removing trees only, including, without limitation, chainsaws, chippers and
24 stump removers.

25 ~~(28)~~ (33) *Vehicle auxiliary equipment* means any manual, mechanical, and electrical device
26 powered by the engine of the motor vehicle to which it is mounted, attached, or utilized
27 from or by a separate engine or motor, that enables the motor vehicle or such devices to
28 function, and includes, without limitation, trimmers, saws, blades, tools, refrigeration
29 units, compressors, compactors, chippers, backhoes, drill rigs, grinders, power lifts,
30 mixers, pumps, blowers, and power-take-offs.

31 ~~(29)~~ (34) *Waste stream activities* includes trash compaction, collection, recycling (such as
32 including recycling of sand and aggregate), composting, street sweeping, street
33 vacuums, and street blowers.

1 ~~(30) Weekday means the time beginning on Monday at 7:00 a.m. and ending on the~~
2 ~~following Friday at 9:00 p.m.~~

3 ~~(31) Weekend means the time beginning on Friday at 9:00 p.m. and ending on the following~~
4 ~~Monday at 7:00 a.m.~~

5 **Sec. 36-3. Sound pressure level measurement instrumentation.**

- 6 (a) Any sound pressure level that is measured must be taken with a sound level meter and
7 at an A-weighting network.
- 8 (b) If the noise from the source premises interferes with the measurement of the
9 ~~background~~ ambient sound level at the receptor premises, then measurements to
10 determine the ~~background~~ ambient sound level may be taken at another location in the
11 vicinity or at another time or both; provided that the conditions at the alternative location
12 or the alternative time or both are similar to the conditions at the receptor premises at
13 the time of the noise measurement.

14 **Sec. 36-4. Inspections Enforcement.**

- 15 (a) For the purpose of determining compliance with the provisions of this chapter, the
16 ~~manager of public health and environment~~ executive director and the chief of police or
17 their authorized representatives are hereby authorized to ~~make inspections of~~
18 investigate all noise sources and to take measurements and tests whenever necessary
19 to determine the quantity and character of noise. If any person refuses or restricts entry
20 and free access to any part of a premises, or refuses inspection, testing or sound level
21 measurement of any activity, device, facility, motor vehicle, or process where inspection
22 is sought, the manager or the chief of police or their authorized representatives may
23 seek from the county court a warrant for inspection requiring that such person permit
24 entry and free access without interference, restriction or obstruction, at a reasonable
25 time, for the purpose of inspecting, testing or measuring sound levels. The county court
26 shall have power, jurisdiction and authority to enforce all orders issued under the
27 provisions of this chapter.
- 28 (b) It shall be unlawful for any person to refuse to allow or permit the ~~manager of public~~
29 ~~health and environment~~ executive director or the chief of police free access to any
30 premises when they or their authorized representative is acting in compliance with a
31 warrant for inspection and order issued by the county court.
- 32 (c) It shall be unlawful for any person to violate the provisions of any warrant or court order
33 requiring inspection, testing or measurement of sound levels and the possible sources
34 thereof.

(d) No person shall hinder, mislead, provide false information to, obstruct, delay, resist, prevent in any way, interfere, or attempt to interfere with any authorized person while in the performance of their duties under this chapter.

Sec. 36-5. Misrepresentation to avoid compliance.

It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any way attempt to deceive the ~~manager of public health and environment~~ executive director or the chief of police in order to avoid compliance with the provisions of this chapter.

Sec. 36-6. Restrictions and measurements of noise between source and receiving premises (Table A).

(a) It shall be unlawful for any person to emit or cause to be emitted any noise that leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels permitted during the time periods specified in Table A. It is further unlawful for any person to emit or cause to be emitted any noise within the public premises in excess of the limits established in Table A.

- (1) The noise source shall be measured at any point along the property line of the receptor premises or within the property line of the receptor premises, as determined at the discretion of the department, to determine compliance with this chapter.
- (2) When it is determined that the ~~background~~ ambient sound pressure level at the receptor premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the ~~background~~ ambient sound pressure level is the standard that cannot be exceeded by the noise source.

Table A: Allowable Sound Pressure Levels (in dB(A)) with Time of Day Allowance

Source Premises	Receptor Premises							
	Residential		Commercial		Industrial		Public	
	7am— 10pm	10pm— 7am	7am— 10pm	10pm— 7am	7am— 10pm	10pm— 7am	7am— 10pm	10pm— 7am
Residential	55	50	65	60	80	75	75	70
Commercial	55	50	65	60	80	75	75	70
	60 [65]	[60]						
Industrial	55	50	65	60	80	75	75	70
	65 [80]	65 [75]						
Public	55	50	65	60	80	75	75	70
	60 [75]	60 [70]						

1 ~~[60]~~ The numbers in brackets are the allowable limits that comply with exemption 14.
2 for any industrial, commercial, or public premises causing the unbracketed levels
3 to be exceeded at a residential receptor premises when such industrial,
4 commercial, or public premises and their emitted sound pressure levels were in
5 existence prior to the existence of the residential receptor premises.

6 (b) Table A exemptions: The maximum permissible sound pressure levels as specified in
7 subsection (a) and Table A shall not apply to sounds emitted from:

8 (1) ~~Any~~ A bell or chime from ~~any~~ a building clock, school or church, between 7:00
9 a.m. and 10:00 p.m., not including ~~any~~ amplified bell or chime sounds emitted
10 from loudspeakers.

11 (2) ~~Any~~ A siren, whistle or bell lawfully used by emergency vehicles or any other
12 alarm systems used in case of fire, collision, civil defense, police activity or
13 imminent danger, except as provided in section 36-7 (2).

14 (3) ~~Any~~ aircraft in flight subject to federal law regarding noise control and any
15 helicopter in the act of landing or taking off at a helipad licensed by the city, so
16 long as the helicopter is not landing or taking off in violation of any conditions or
17 restrictions of the helipad's license.

18 (4) ~~Any ground-based~~ Ground-based aircraft activity, including testing or engine run-
19 up, provided, however, that emission of noise resulting from such activities ~~in~~
20 ~~excess of~~ does not exceed a sound pressure level of sixty (60) dB(A) when
21 measured ~~upon~~ from an inhabited residential premises. ~~shall be deemed an~~
22 ~~unlawful nuisance.~~

23 (5) ~~Any motor~~ Motor vehicles designed for and operated on public streets, alleys,
24 highways or freeways that are regulated by ~~Table B~~ federal law or by section 36-
25 8, D.R.M.C.

26 (6) ~~Any tree maintenance, landscaping, or lawn care equipment operated upon a~~
27 ~~residential, commercial, industrial, or public premises between 7:00 a.m. and~~
28 ~~9:00 p.m. This exemption does not apply if the equipment is not in good working~~
29 ~~order, not used for the manufacturer's intended purpose, or not operated in~~
30 ~~compliance with any required license.~~

31 (7) (6) ~~Any construction~~ Construction equipment or activities; tree maintenance,
32 landscaping, or lawn care equipment operated on a residential, commercial,
33 industrial, or public premises; domestic power equipment or commercial power
34 equipment operated on a residential, industrial or public premises; delivery and

1 delivery activities; and waste stream equipment and activities at times other than
2 these when not prohibited as set forth in section 36-7(3) of this chapter. This
3 exemption does not apply if equipment is not in good working order, not used for
4 the manufacturer's intended purposes, or not operated in compliance with any
5 required license or permit.

6 ~~(7)~~ Delivery and delivery activities conducted between the hours of 7 a.m. and 10
7 p.m. This exemption excludes construction site deliveries, which are governed by
8 subsection 36-7 (a)(7) of this chapter.

9 ~~(8)~~ Any domestic power equipment operated by the owner and or occupant of the
10 property upon any residential, commercial, industrial or public premises between
11 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound
12 pressure level of eighty (80) dB(A) when measured twenty-five (25) feet from the
13 noise source or the complainant's property line, whichever is greater. This
14 exemption does not apply if the equipment is not in good working order, not used
15 for the manufacturer's intended purpose, or not operated in compliance with any
16 required license.

17 ~~(9)~~ Any commercial power equipment operated upon any residential, commercial,
18 industrial, or public premises between 7:00 a.m. and 9:00 p.m., provided,
19 however, that such equipment does not exceed a sound pressure level of eighty-
20 eight (88) dB(A) when measured twenty-five (25) feet from the noise source or
21 the complainant's property line, whichever is greater. This exemption does not
22 apply if the equipment is not in good working order, not used for the
23 manufacturer's intended purpose, or not operated in compliance with any
24 required license.

25 ~~(10)~~ (8) The musical instruments of any school marching band while performing at
26 any sporting event or marching band competition, and the musical instruments of
27 any school marching band practicing on school grounds, between the hours of
28 7:00 a.m. and ~~9:00~~ 10:00 p.m., provided that the sound pressure levels do not
29 exceed ~~sixty-five (65)~~ seventy-five (75) dB(A) when measured at the property line
30 of any residential receptor premises.

31 ~~(11)~~ (9) Snow removal equipment operated on any residential, commercial, or
32 industrial premises, including adjoining sidewalks, between the hours of 5:00
33 7:00 a.m. and ~~11:00~~ 10:00 p.m. or during any snowfall or during a declared snow
34 emergency under the current City rules and regulations of the manager of the

1 department of transportation and infrastructure regarding snow and ice removal
2 from sidewalks; snow removal equipment operated during the time periods after
3 the end of snowfall and after the end of a declared snow emergency as set forth
4 in those rules; and snow removal equipment operated by or on behalf of the city.

5 ~~(12)~~ (10) Any An emergency power generator providing emergency electrical power
6 at any a hospital, health clinic, nursing home or similar facilities where the loss of
7 electrical power poses an immediate risk to the health, safety or welfare of any
8 person, or at any a premises where such equipment is required by the Denver
9 Fire Department. ~~Additionally,~~ The sound pressure level emitted during the
10 routine testing of emergency electrical power generators shall not exceed eighty-
11 eight (88) dB(A) at a distance of twenty-five (25) feet or a receptor premises'
12 property line, whichever is greater. Routine testing shall not exceed one (1) hour
13 in any one-week period, or two (2) hours in any six-week period and shall be
14 confined to the hours of 10:00 a.m. to 4:00 p.m. or as otherwise approved.

15 ~~(13)~~ (11) Any An industrial, commercial, or public premises causing the standards of
16 Table A to be exceeded at a residential receptor premises when the zoning of the
17 residential receptor premises does not allow residential use (residential use is
18 nonconforming), provided, however, that such sound pressure level may not
19 exceed the standards afforded an industrial receptor premises.

20 ~~(14)~~ ~~Any industrial, commercial, or public premises causing the standards of Table A~~
21 ~~to be exceeded at a residential receptor premises when such industrial,~~
22 ~~commercial, or public premises and their emitted sound pressure levels were in~~
23 ~~existence prior to the existence of the residential receptor premises, provided,~~
24 ~~however, that the existing industrial premises does not exceed sixty-five (65)~~
25 ~~dB(A) and the commercial premises do not exceed sixty (60) dB(A) when~~
26 ~~measured at the residential receptor premises.~~

27 ~~(15)~~ (12) Any A noise-causing activity or equipment in existence prior to April 2,
28 1999 that had previously been determined to be in violation of the sound
29 pressure standards of Table A of chapter 36 and was brought into and remains in
30 compliance. A change in previously complained of business-licensed activity at a
31 premises or a replacement of sound-emitting equipment shall cause the
32 provisions of this chapter to apply.

33 ~~(16)~~ (13) ~~Any emergency-related~~ Emergency-related work and all associated
34 equipment, training, and activities, such as emergency preparedness training,

1 exercises, and drills.

2 ~~(17)~~ (14) ~~Festivals~~ Public noise producing events and associated activities between
3 the hours of 8:00 a.m. and 10 p.m., on the condition that:

4 (A) Production, reproduction, or amplification of sound may not exceed a
5 sound pressure level of ~~eighty (80)~~ eighty-five (85) dB(A) when measured
6 from the nearest residential receptor premises. The department may
7 choose not to measure from an uninhabited residence.

8 (B) The owner or occupant of any private property shall not allow public noise
9 producing events held in whole or in part on that property to exceed the
10 maximum sound pressure levels set forth in Table A as allowed by this
11 subsection on more than eight days within any calendar year, and:

12 (I) The sound pressure levels shall not be exceeded on more
13 than four consecutive days;

14 (II) If the sound pressure levels are exceeded on two or more
15 consecutive days, the owner or occupant shall not allow a
16 public noise producing event to exceed the sound pressure
17 levels for at least thirty days after the last consecutive day.

18 (15) Fireworks.

19 (16) Any unamplified sound associated with water.

20 (17) Unamplified human voices.

21 (18) Individual barking dogs or other individual animal noises.

22 **Sec. 36-7. Prohibited noise activities.**

23 (a) The following activities are prohibited notwithstanding the sound pressure levels
24 permitted pursuant to sections 36-6 and ~~36-8~~:

25 (1) *Vehicle horns.* No person shall, at any time, sound any horn or other audible
26 signal device of a motor vehicle unless it is necessary as a warning to prevent or
27 avoid a traffic an accident. ~~or reasonably inform or warn of a vehicle presence.~~
28 This prohibition does not apply to a horn or audible signal associated with a
29 railroad or railway crossing.

30 (2) *Alarms.* It is an unlawful nuisance for any alarm that is audible outside the
31 premises or vehicle in which it is installed or that it is intended to protect and for
32 which there is not a valid alarm user permit issued pursuant to section 42-106 of
33 this Code, to be activated: a) for a period exceeding fifteen (15) minutes; or b)
34 three or more times within a seven (7) day period when no emergency is found to

1 exist by the city. Violation of (a) or (b) or both constitutes separate offenses. Fire
2 alarms may only be tested between the hours of 7:00 a.m. and 9:00 p.m.,
3 Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on
4 Saturday and Sunday.

5 ~~(3) *Delivery and delivery activities.* No person or persons shall make deliveries nor~~
6 ~~conduct delivery activities between the hours of 10:00 p.m. and 7:00 a.m. that~~
7 ~~exceeds the sound pressure limits of Table A. This prohibition excludes~~
8 ~~construction site deliveries, which are governed by subsection 36-7(5) of this~~
9 ~~chapter.~~

10 (4) (3) *Waste stream equipment and activities.* No person shall operate any
11 waste stream equipment nor conduct any waste stream activities on any
12 premises adjoining to or across the street or alley from a residential receptor
13 premises between 10:00 p.m. and ~~7:00~~ 6:00 a.m.

14 (4) *Compression Brakes.* No person shall operate an engine compression brake
15 device (“Jake Brake”) within the City and County of Denver or on property owned
16 by the City and County of Denver.

17 (5) *Tree maintenance.* No person shall perform or operate any tree maintenance,
18 landscaping, or lawn care equipment upon any residential, commercial, industrial,
19 or public premises between 9:00 p.m. and 7:00 a.m.

20 (6) *Power equipment.* No person shall operate or cause to be operated domestic
21 power equipment between the hours of 10:00 p.m. and 7:00 a.m. No person shall
22 operate or cause to be operated commercial power equipment between 9:00
23 p.m. and 7:00 a.m.

24 ~~(5)~~ (7) *Construction equipment and activities.*

25 a. (A) No person shall operate, or cause to be operated, any construction
26 equipment nor conduct any construction activities, including, without
27 limitation, preparation activities, job site deliveries, and job site pick-ups,
28 ~~on weekdays between the hours of 9:00 p.m. and 7:00 a.m. in a manner~~
29 ~~that exceeds the sound pressure limits of Table A is plainly audible on any~~
30 residential receptor premises, except during the following hours:

31 (I) On Monday through Friday between 7:00 a.m. and 9:00
32 p.m.

33 (II) On Saturday and Sunday between 8:00 a.m. and 5:00 p.m.

34 b. ~~No person shall operate, or cause to be operated, any construction~~

1 equipment nor conduct any construction activities, including,
2 without limitation, preparation activity, job-site deliveries, and job-
3 site pick-ups, on weekends between the hours of 5:00 p.m. and
4 8:00 a.m. in a manner that exceeds the sound pressure limits of
5 Table A.

6 e. (B) Construction equipment must be properly maintained, used for the
7 manufacturer's intended purpose, and operated in compliance with any
8 required license. ~~The board of public health and environment, in
9 accordance with chapter 24, article I, may grant variances from the
10 construction restrictions if it can be demonstrated that a construction
11 project will interfere with traffic or jeopardize public safety if completed
12 during daytime.~~

13 (b) Non-conforming construction activities.

14 (1) Upon application from any person, the executive director may, in the executive
15 director's discretion, allow the person to operate or cause to be operated
16 construction equipment or to conduct or cause to be conducted construction
17 activities in a manner that does not comply with the restrictions of subsection
18 (a)(7) of this section if the person demonstrates that:

19 (A) During the allowable hours as set forth in subsection (a)(7) of this section,
20 the construction project interferes with the regular flow of traffic,
21 jeopardizes the safety of the public, and cannot be completed in a safe
22 manner during the allowable hours;

23 (B) The non-conforming construction activity, if allowed, would not adversely
24 affect public health;

25 (C) The person making the application will experience undue hardship if the
26 non-conforming activity is not allowed;

27 (D) The person making the application has provided an adequate project
28 noise model or noise monitoring and community response plan in
29 accordance with the guidelines of the executive director; and

30 (E) Allowing the non-conforming construction activity maintains harmony with
31 the spirit and purpose of this chapter.

32 (2) The executive director shall prescribe the form for an application for a
33 nonconforming construction activity and shall require the person making the
34 application to submit such information as is necessary to demonstrate that the

1 requirements of this subsection are met.

2 (3) Notification and public comment.

3 (A) A person making an application shall notify neighborhood organizations
4 registered pursuant to article III of chapter 12 of an application for a non-
5 conforming construction activity within, adjoining, or adjacent to the
6 registered neighborhood organization's boundaries. The applicant shall
7 provide notification to each organization by mail, or if the organization
8 agrees, by fax or email, as shown on the official City and County of
9 Denver website. The applicant shall send notification to any additional
10 affected community groups or organizations as directed by the
11 department.

12 (B) A person making an application shall also notify City Council members of
13 an application for a nonconforming construction activity within the
14 boundaries of the district a City Council member represents. If the activity
15 is located on or near the boundary between districts, the department may
16 require the applicant to also provide notice to Council members
17 representing the adjoining districts. The applicant shall send notice by mail
18 and email to the addresses shown on the official City Council website.

19 (C) The notifications must include, where applicable, the location and general
20 description of the proposed activities; the date, time, and place of any
21 public hearing and/or public meeting relating thereto, if such has been
22 scheduled; information on how to submit a written comment; and any
23 additional information required by the executive director.

24 (D) The person making an application shall send all notifications required by
25 this subsection within ten (10) business days of filing the application and
26 shall provide proof of notification and a copy of the notice to the
27 department.

28 (E) The executive director shall accept written public comment on an
29 application for at least 5 business days after the notification period. Public
30 comments shall be sent to an email address published on the official
31 website of the department.

32 (4) If the executive director grants the application for a non-conforming construction
33 activity, the executive director shall issue an order setting forth any conditions or
34 limitations the executive director deems necessary and appropriate and requiring

1 compliance with those terms.

2 (5) If the applicant fails to comply with the terms of an order or has provided false or
3 misleading information in its application, the order allowing a non-conforming
4 construction activity may be suspended or revoked upon notice to the applicant
5 and after a hearing before the board.

6 (c) Variances.

7 (1) The board, in accordance with chapter 24, article I, may grant variances from the
8 construction restrictions of this chapter if it can be demonstrated that a
9 construction project will interfere with traffic or jeopardize public safety if
10 completed during daytime.

11 (2) If the executive director denies an application for a non-conforming construction
12 activity or imposes conditions on the non-conforming construction activity that the
13 applicant objects to, the applicant may seek a variance from the board pursuant
14 to this subsection. The petitioner must include a copy of the application and the
15 executive director's order or decision with the petition to the board.

16 **Sec. 36-8. Motor vehicle noise.**

17 (a) No person shall operate nor shall the owner permit the operation of any motor vehicle or
18 combination of motor vehicles at any time or place when such operation exceeds the
19 sound pressure levels for the corresponding category of motor vehicle as specified in
20 Table B. Except as provided in this subsection (a), the standards in Table B apply to all
21 noise emitted from motor vehicles including any and all equipment thereon, under any
22 condition of acceleration, deceleration, idle, grade or load and regardless of whether in
23 motion. In lieu of Table B, the provisions of section 36-6 Table A apply when a motor
24 vehicle is parked and vehicle auxiliary equipment is in use. with vehicle auxiliary
25 equipment that exceeds the allowable sound pressure levels of section 36-6, Table A.

26 TABLE B

27 ~~Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles~~

Type of Vehicle	Maximum Allowable Sound Pressure Level	Measurement Distance from Motor Vehicle
Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight	82 dB(A)	25 feet
Motor vehicles weighing 10,000 pounds or more, manufacturers gross vehicle	90 dB(A)	50 feet

(b) It shall be unlawful for any person to operate, or for the owner of any motor vehicle to permit the operation of any motor vehicle or combination of motor vehicles at any time, that is not equipped with ~~any exhaust~~ a muffler in good working order. ~~approved by this chapter.~~

~~(c) It is unlawful for any person or for any owner to allow any person to modify, tamper with, alter, or change any motor vehicle in any manner that causes the sound emitted from the motor vehicle to exceed the corresponding sound pressure level in Table B.~~

~~(d)~~ (c) No person shall, nor shall the owner allow any person to, operate a motorcycle:

(1) Manufactured after December 31, 1982 that is not equipped with an exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle's model year, as set out in Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E; or a muffler or muffler system in compliance with Table B.

(2) Manufactured on or before December 31, 1982, that is not equipped with a muffler in good working order.

Sec. 36-9. City contracts, licenses, and permits to require chapter compliance.

(a) Any written agreement, purchase order or contract whereby the city is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed, conducted or manufactured without violating the provisions of this chapter.

(b) Each license or permit issued by the city for any activity or event shall require as a condition of the license or permit that the activity or event complies with the applicable provisions of this chapter.

Sec. 36-10. Other applicable provisions.

(a) Loud, persistent, noises or habitual dog barking, howling or yelping, and any other noises emitted by individual animals, shall be controlled and enforced as provided in Chapter 8, Articles I and II, provided however that dog barking noise emitted from licensed commercial dog kennels and other commercial businesses with an established dog yard shall also be subject to the provisions of section 36-6.

(b) Loud or disturbing noise emitted by unamplified human voices shall be enforced

1 pursuant to the provisions of Chapter 38, Article IV of this Code, provided however that
2 sounds from amplified human voices are subject to the provisions of section 36-6.

3 (c) Off-road recreational vehicles operated on any public premises shall be enforced under
4 chapters 39 and 54 of this Code.

5 (d) Alarms for which a user permit has been issued pursuant to section 42-106 shall be
6 enforced under Chapter 42.

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8 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**
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COMMITTEE APPROVAL DATE: _____, 2024.

MAYOR-COUNCIL DATE: _____, 2024.

PASSED BY THE COUNCIL _____ 2024

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2024

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2024; _____ 2024

PREPARED BY: _____; DATE: _____

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kerry Tipper, Denver City Attorney

BY: _____, _____ City Attorney

DATE: _____