

SUMMARY OF PROPOSED CHANGES TO DENVER’S NOISE ORDINANCE (10/23/2024)

<u>CURRENT</u>	<u>PROPOSED</u>	<u>REVISED FINAL</u>
<ul style="list-style-type: none"> All noise control activities, authority and concepts are in ordinance, Chapter 36 of the DRMC. 	<ul style="list-style-type: none"> Update/revise the noise ordinance and also create a corresponding set of rules and regulations. Overall policy concepts, authority, and Table A decibel limits to stay in ordinance. Details on noise control activities, exemptions, and prohibitions to be moved into Rules and Regulations to be approved by the Board of Public Health & Environment. This approach aligns with all of the other public health enforcement programs. 	<ul style="list-style-type: none"> All proposed changes will stay in ordinance
<ul style="list-style-type: none"> Waste Stream Activities prohibited between 10pm and 7am. 	<ul style="list-style-type: none"> Proposing earlier start times for waste and recycling pickup - 5am Downtown Waste Collection area (see proposed map) and 6am for the rest of the City. Prohibited after 10pm. 	<ul style="list-style-type: none"> Proposing a 6am start time across the City. Eliminating the 5am start proposal time for the downtown area
<ul style="list-style-type: none"> Festivals held on public property receive an elevated level of 80 dBA with hard stop at 10pm and must meet the special events definition. Currently only allowed 4 days total. 	<ul style="list-style-type: none"> Increasing overall noise level to 85 dBA Public noise producing events which are properly permitted by applicable city agencies and held on public property automatically receive an elevated level of 85dBA with hard stop at 10pm (reduces 	<ul style="list-style-type: none"> No change to proposal

	<p>barriers for event organizers by removing additional requirements in definitions)</p> <ul style="list-style-type: none"> • New allowance for private properties-Public noise producing events held on private property to receive an elevated level of 85 dBA for a total of 8 calendar days within a year and not to exceed 4 consecutive days. Also building in a 30-day rest period between events of 2 or more consecutive days. Must be properly permitted, if applicable, by required city agencies. 	
<ul style="list-style-type: none"> • <u>Construction activities</u> that exceed Table A decibel limits are prohibited between the hours of 9pm and 7am on weekdays and 5pm and 8am on weekends. (DDPHE must take readings for a violation). 	<ul style="list-style-type: none"> • No change to allowable construction times. • Construction activities that are <i>plainly audible</i> are prohibited between the hours of 9pm and 7am on weekdays and 5pm and 8am on weekends. (Allows department to better enforce - vetted time stamp video with audible evidence from the complainant's property for a violation/enforcement action—exactly the same as the current enforcement tool for waste stream activities). • Plainly audible definition aligns with DPD definition. 	<ul style="list-style-type: none"> • No change to proposal
<ul style="list-style-type: none"> • <u>Pre-existing Source Premises/Mixed Use Areas:</u> • Allowable decibel limits for Residential, Commercial, Public and Industrial areas are subject to Table A limits. 	<ul style="list-style-type: none"> • Allowable decibel limits for pre-existing Residential, Commercial, Public and Industrial areas are subject to new proposed Table A limits. This would increase allowable decibel levels for pre-existing sources by eliminating previous reductions and allowing pre-existing sources to produce the same amount of sound in their 	<ul style="list-style-type: none"> • No change to proposal

Denver Department of Public Health & Environment
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	operations that they've always produced regardless of surrounding development.	
<ul style="list-style-type: none"> • Recreational activities are subject to Table A limits. 	<ul style="list-style-type: none"> • No change recommended to recreational noise. It is not specifically called out currently but has been regulated under Table A in the past and can continue to be moving forward. 	<ul style="list-style-type: none"> • No change to proposal
<ul style="list-style-type: none"> • Deliveries are subject to Table A limits. 	<ul style="list-style-type: none"> • No change recommended. Deliveries are subject to Table A. 	<ul style="list-style-type: none"> • No change to proposal
<ul style="list-style-type: none"> • Compression engine brakes are not currently addressed. 	<ul style="list-style-type: none"> • Compression engine brakes will be prohibited. Could allow DDPHE to enforce complaints on construction sites. 	<ul style="list-style-type: none"> • No change to proposal
<ul style="list-style-type: none"> • Variations must be approved through Board of Public Health & Environment. 	<ul style="list-style-type: none"> • No change to the official variance process. This option is still available for anyone who wishes to seek a variance through the Board of Public Health & Environment. • Add an additional option outside of official variance process for non-conforming, night-time, noise-producing <i>construction activities</i> that may be approved by the Executive Director, provided certain conditions are met. • If the Executive Director denies application for approval, the petitioner may still seek a variance from the Board of Public Health & Environment. 	<ul style="list-style-type: none"> • No change to proposal
<ul style="list-style-type: none"> • Definition of noise: Sound that is unwanted and that causes or tends to cause adverse psychological or physiological effects on human beings. 	<ul style="list-style-type: none"> • Change definition of noise to: Sound that is unwanted and exceeds the sound pressure levels permitted in this chapter or in rules adopted by the board or is otherwise prohibited by this chapter or by rules adopted by the board. 	<ul style="list-style-type: none"> • No change to proposal

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<ul style="list-style-type: none"> • <u>Aircraft and helicopter noise:</u> not currently addressed but was in ordinance during previous revisions, pre-2008. 	<ul style="list-style-type: none"> • Not addressed 	<ul style="list-style-type: none"> • Adding back into the ordinance aircraft and helicopter noise language. This was always intended to be in the ordinance but there was an oversight in 2008 when the ordinance was last revised and this <u>exemption</u> was accidentally left off due to human error/editing. <i>“Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off at a helipad licensed by the city, so long as the helicopter is not landing or taking off in violation of any conditions or restrictions of the helipad’s license.”</i>
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