ORDINANCE NO. 30, SERIES 2013 INTRODUCED BY: COUNCILOR ALEXANDRA LYNCH

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING SECTION 75-128 OF THE CODE OF ORDINANCES OF LAFAYETTE, COLORADO REGARDING CONDITIONS AND EXCEPTIONS RELATED TO NOISE

WHEREAS, Article VI of Chapter 75 of the Lafayette Code of Ordinances regulates noise levels generated within the City and prohibits "unreasonable noise" as defined in therein; and

WHEREAS, Section 75-128 of the Lafayette Code of Ordinances provides for limited exceptions from the regulation of loud noise for certain activities; and

WHEREAS, the exempted activities include noise generated from open space, golf course or park maintenance activities, as well as noise generated by agricultural activities or operations on property owned by the City; and

WHEREAS, in certain instances loud noise generated from such activities or operations on property owned by the City could be reasonable mitigated with minor improvements; and

WHEREAS, certain sound mitigation techniques, such as sound walls, may be prohibited by the City's zoning restrictions in Chapter 26 of the Lafayette Code of Ordinances; and

WHEREAS, the City Council desires to amend the Code of Ordinances to allow sound mitigation techniques to be used in those instances where it is deemed appropriate, despite the limitations or restrictions of Chapter 26.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

<u>Section 1</u>. That Section 75-128 of the Code of Ordinances of the City of Lafayette, Colorado, shall be amended to read as follows:

Sec. 75-128. Conditions/exceptions.

- (1) The prohibition set forth in subsection 75-127(1) shall not apply to sound from and subject to the following conditions:
 - a) Any bell or chime from any building clock, school or church operated between the hours of 7:00 a.m. and 10:00 p.m. and not continuing for more than five (5) minutes.

- b) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm system used in case of fire, collision, civil defense, police activity or other imminent danger; provided, however, that burglar alarms not terminated within fifteen (15) minutes after being activated shall not be excepted.
- c) City authorized or sponsored events including, but not limited to, parades, community events and fireworks displays.
- d) Events for which a permit has been obtained in accordance with and conducted in accordance with the requirements set forth herein in section 75-130.
- e) Any domestic power equipment, except as permitted within this article, operated upon any residential, commercial, industrial or public place between 7:00 a.m. and 10:00 p.m.
- f) Any construction activities between 7:00 a.m. and 10:00 p.m. The director of public works may in the director's sole discretion grant an exception to the time restrictions herein upon receipt and review of a written application where the public works director determines such exception is necessary for the public health, safety or welfare and/or denial would cause undue hardship upon the applicant. Any permit shall be subject to all terms and conditions deemed reasonably necessary by the director of public works.
- g) Activities directly related to the abatement of an emergency.
- h) Loading, unloading, opening or otherwise handling boxes, crates, containers, trash or recycle materials, or other objects or goods between the hours of 6:00 a.m. to 9:00 p.m.
- i) Noise from snowblowers and snowplows when operated with a muffler for the purpose of snow removal.
- j) Noise generated from open space, golf course and park maintenance activities or operations.
- k) Noise generated from agricultural activities or operations on property owned by the city.
- 1) School activities.

- (2) As a means to mitigate the noise generated by the activities that are the subject of exemptions j) and k) of this section, the City Administrator, for improvements within his/her purchasing authority, or City Council, for improvements in excess of the City Administrator's purchasing authority, may, authorize construction or installation of sound mitigation improvements on City property without regard to zoning restrictions found in Chapter 26 of the Lafayette Code of Ordinances.
- <u>Section 2</u>. 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 City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- <u>Section 3</u>. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.
- <u>Section 4</u>. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.
- <u>Section 5</u>. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.
- <u>Section 6</u>. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Municipal Code of the City of Lafayette, Colorado.
- <u>Section 7</u>. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE $6^{\rm th}\,$ DAY OF NOVEMBER, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 19TH DAY OF NOVEMBER, 2013.

	CITY OF LAFAYETTE, COLORADO
	Carolyn D. Cutler, Mayor
ATTEST:	APPROVED AS TO FORM:
Susan Koster, CMC City Clerk	David S. Williamson, City Attorney