

ORDINANCE 8531

AN ORDINANCE AMENDING SECTIONS 5-9-6, "UNREASONABLE NOISE PROHIBITED BETWEEN THE HOURS OF 11 P.M. THROUGH 7 A.M., AND 5-3-11, "NUISANCE PARTY PROHIBITED," B.R.C. 1981, TO PROHIBIT UNREASONABLE AMPLIFIED NOISE DURING THE DAYTIME AS WELL AS NIGHTTIME HOURS; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 5-9-6, "Unreasonable Noise Prohibited Between the Hours of 11 P.M. Through 7 A.M.," B.R.C. 1981, is amended to read as follows:

5-9-6. - Unreasonable Noise Prohibited, ~~Between the Hours of 11 P.M. Through 7 A.M.~~

~~Between the hours of 11 p.m. through 7 a.m., no person shall:~~

(a) Unreasonable Amplified Noise~~Sound~~:

(1) Nighttime Hours: Between the hours of 11 p.m. through 7 a.m., no person shall electronically amplify any sound, or make any noise by means of any electronic amplifier, which is loud enough to be audible to a person of normal hearing:

~~(1)(A)~~ (A) One hundred or more feet beyond the property line of the property upon which the loudspeakers are located where they are located in a residential district.

~~(2)(B)~~ (B) One hundred fifty or more feet beyond the property line of the property upon which the loudspeakers are located where they are located in a commercial or industrial district.

(2) Daytime Hours: Between the hours of 7 a.m. through 11 p.m., no person shall electronically amplify any sound, or make any noise by means of any electronic amplifier, which is loud enough to be audible to a person of normal hearing two hundred or more feet beyond the property line of the property upon which the loudspeakers are located where they are located in a residential district.

(3) Each resident or person in control of an activity or event in or on the premises of a dwelling unit who is present within that dwelling unit or upon the premises of that dwelling unit when sound in violation of this section is amplified or generated upon the premises shall be responsible for the generation of that sound or noise.

- 1 (4) Each owner, manager, or person in control of an activity or event in or on the premises
2 of a commercial or industrial property upon which sound in violation of this subsection
is generated shall be responsible for the generation of that sound or noise.
- 3 (5) It shall be an affirmative defense to a charge of violating this subsection that:
- 4 (A) The sound was made by an authorized emergency vehicle when responding to an
5 emergency call or acting in time of emergency or by an emergency warning
6 device operated by a government;
- 7 (B) The sound was made by the sounding of the horn of any vehicle as a danger
8 warning signal or by the sounding of any warning device as required by law;
- 9 (C) The sound was made within the terms of a city manager issued permit-parade or
10 temporary street closure permit issued by the city manager;
- 11 (D) The sound was made on property belonging to or leased or managed by a federal,
12 state, or county governmental body other than the city and made by an activity of
the governmental body or by others pursuant to a contract, lease, or permit
granted by such governmental body;
- 13 (E) The sound was made by a police alarm device if the police alarm shuts off
14 automatically after no longer than ten minutes, by a fire alarm, or by an alarm
15 system installed in a motor vehicle, if the car alarm shuts off automatically after
16 no longer than five minutes;
- 17 (F) For a charge of violation based on Paragraph (a)(3) or (a)(4) of this section, the
defendant did all that a reasonable person could have done under the
circumstances of the creation of the noise to prevent the offense and, if requested
to do so, cooperated with law enforcement officers to identify accurately the
offender or offenders; or
- 18 (G) For a charge of violation based on Paragraph (a)(4) of this section, the sound was
made by a trespasser.
- 19 (b) Unreasonable Unamplified-Sound Noise:
- 20 (1) Between the hours of 11 p.m. and 7 a.m., while on public property within a residential
21 district, no person shall yell, scream, shout, cheer, sing, or otherwise make noise with
22 the human voice louder than that which is reasonably necessary for normal
conversational speech.
- 23 (2) It shall be an affirmative defense to a charge of violating this subsection that the ~~sound~~
24 noise was reasonably necessary to gain assistance to prevent a crime, catch a criminal,
warn of fire or other danger, or to seek assistance for a health problem or injury or for
25 assistance in dealing with an accident.
- (c) Trash Pickup: Between the hours of 11 p.m. and 7 a.m., ~~No~~ person shall make any trash
pickup with a truck which has a compactor or the capacity to raise and dump dumpsters in
any residential or commercial district, and no employer shall fail to prevent its employee
from violating this subsection while the employee is driving a trash truck owned by or under
the control of the employer. For the purposes of this subsection, testimony that the name of
a business which holds itself out as being in the business of trash hauling was written on the

1 trash truck shall be prima facie evidence that the trash truck was owned by or was under the
2 control of the employer so identified.

3 Section 2. Section 5-3-11, "Nuisance Party Prohibited," B.R.C. 1981, is amended to read
4 as follows:

5 . . .

6 (b) A social gathering shall be deemed to constitute a public nuisance when, by reason of the
7 conduct of persons in attendance, it results in one or more of the following violations of this
8 code and which violations occur at the site of the social gathering, or on neighboring public
9 or private property:

10 Section 5-3-1, "Assault in the Third Degree," B.R.C. 1981;

11 Section 5-3-2, "Brawling," B.R.C. 1981;

12 Section 5-3-4, "Threatening Bodily Injury," B.R.C. 1981;

13 Section 5-3-5, "Obstructing Public Streets, Places, or Buildings," B.R.C. 1981;

14 Section 5-3-6, "Use of Fighting Words," B.R.C. 1981;

15 Section 5-4-1, "Damaging Property of Another," B.R.C. 1981;

16 Section 5-4-2, "Damaging Public Property," B.R.C. 1981;

17 Section 5-4-3, "Trespass," B.R.C. 1981;

18 Section 5-4-10, "Fires on Public Property," B.R.C. 1981;

19 Section 5-4-13, "Littering," B.R.C. 1981;

20 Section 5-4-14, "Graffiti Prohibited," B.R.C. 1981;

21 Section 5-5-3, "Obstructing a Peace Officer or Firefighter," B.R.C. 1981;

22 Section 5-5-10, "False Reports," B.R.C. 1981;

23 Section 5-6-6, "Fireworks," B.R.C. 1981;

24 Section 5-6-7, "Public Urination," B.R.C. 1981;

25 Section 5-7-2, "Possession and Consumption of Alcoholic Beverages in Public
Prohibited," B.R.C. 1981;

1 Section 5-7-3, "Unlawful to Sell or Give to or Procure for Minors," B.R.C. 1981;
2 Section 5-7-4, "Possession and Sale by Minors Unlawful," B.R.C. 1981;
3 Section 5-9-3, "Exceeding Decibel Sound Levels Prohibited," B.R.C. 1981;
4 Section 5-9-5, "Disrupting Quiet Enjoyment of Home," B.R.C. 1981;
5 Section 5-9-6, "Unreasonable Noise Prohibited ~~Between the Hours of 11 P.M. Through 7~~
6 ~~A.M.,"~~ B.R.C. 1981;
7 A violation of any provision in Chapter 6-3, "Trash, Recyclables, and Compostables,"
8 B.R.C. 1981, relating to the unlawful deposit of trash;
9 Section 7-4-61, "Obstructing Traffic Prohibited," B.R.C. 1981;
10 Paragraph 10-8-2(b)(12), B.R.C. 1981, concerning open burning.

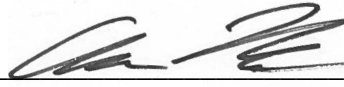
11 ...

12 Section 3. The City Council finds this ordinance is necessary for the immediate
13 preservation of public peace, health, safety, and property justifying the adoption of this ordinance
14 as an emergency measure.


15 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of
16 the residents of the city and covers matters of local concern.

17
18 Section 5. The City Council deems it appropriate that this Ordinance be published by title
19 only and orders that copies of this Ordinance be made available in the office of the city clerk for
20 public inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 4th day of August 2022.

3
4 
5 Aaron Brockett,
6 Mayor

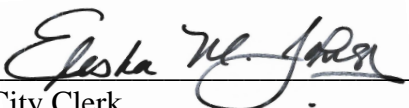
7 Attest:

8 
9 City Clerk

10 READ ON SECOND READING, PASSED AND ADOPTED AS AN EMERGENCY
11 MEASURE BY TWO-THIRDS COUNCIL MEMBERS PRESENT this 1st day of September
12 2022.

13
14 
15 Aaron Brockett,
16 Mayor

17 Attest:

18 
19 City Clerk