

**ORDINANCE NO. 14-22**

**AN ORDINANCE AMENDING CHAPTER 8.06 OF THE ESTES PARK MUNICIPAL CODE REGARDING NOISE**

**WHEREAS**, the Board of Trustees of the Town of Estes Park, Colorado has determined that it is in the best interest of the Town to amend certain sections of the Municipal Code of the Town of Estes Park, Colorado.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:**

Section 1: Ellipses in this ordinance indicate material not reproduced as the Board intends to leave that material in effect as it now reads.

Section 2: Chapter 8.06 of the Estes Park Municipal Code is hereby amended by the addition of underlined material and the deletion of stricken material, to read as follows:

Chapter 8.06 - Noises

...

8.06.030 - Restrictions on amplified outdoor sound.

...

It shall be unlawful for any person to make, cause to be made or to permit amplified outdoor sound upon any premises possessed or controlled by such person where such sound occurs between the hours of 10:00 p.m., through 10:00 a.m., of the next day except that on Friday and Saturday nights amplified outdoor sound is permitted until 11:00 p.m. ~~Amplified outdoor sound is also subject to the prohibitions set forth in section 8.06.020.~~

...

8.06.040 - Exceptions.

...

The prohibitions set forth in ~~Subsection 8.06.020(4)~~ shall not apply to sound from:

...

(6) Any construction, maintenance, or repair activities between 7:00 a.m. and 9:00 p.m., or at other times as may be authorized under section 8.06.045;

...

8.06.045 - Nighttime construction noise in the right of way.

The prohibitions set forth in section 8.06.020 shall not apply to sound from any construction, maintenance, or repair activities at any time on public right of way, if the Town Engineer specifically approves the sound occurring between 9:00 p.m. and 7:00 a.m. on the permit issued under chapter 12.08 for the work in the right of way. In determining whether to approve such sound, the Town Engineer shall consider:

(a) whether the cumulative detrimental impacts to the public, including roadway users and adjacent property owners, would be lesser with nighttime

construction or, if applicable, with delayed completion of daytime construction; and

(b) whether the nighttime work will comply, as required, with all the Town's restrictions on exterior lighting, including those applicable to new development under chapter 7.9 of the development code, as shown on a work zone illumination plan.

The permittee must notify the Estes Park Police Department, and the owners and occupants of all properties located within a thousand feet of the work occurring between 9:00 p.m. and 7:00 a.m., of the activities and associated sound. Notice shall be given in the manner identified in the permit, which may include written notice and attempting personal contact at the properties. Notice must be given at least 48 hours prior to the commencement of the work, and the Town Engineer's approval of the sound shall not be effective until 48 hours after all such notice is given or attempted as specified.

...

Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication by title.

**PASSED AND ADOPTED** by the Board of Trustees of the Town of Estes Park, Colorado this 26<sup>th</sup> day of July, 2022.

TOWN OF ESTES PARK, COLORADO  
/s/Scott Webermeier, Mayor Pro Tem

ATTEST:  
/s/Jackie Williamson, Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the 26<sup>th</sup> day of July, 2022 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the 29<sup>th</sup> day of July, 2022, all as required by the Statutes of the State of Colorado.

/s/Jackie Williamson, Town Clerk

APPROVED AS TO FORM:  
/s/Dan Kramer, Town Attorney