

ORDINANCE NO. 81-2

NOISE

Article 1 General Prohibitions

The making of unnecessary noises upon, near, or adjacent to town streets is declared to be a public nuisance. It is unlawful for any person to make, continue, or cause to be made any unusual noise between the hours of seven (7) a.m. and seven (7) p.m., which either annoys, injures or endangers the comfort, repose, health or safety of the residents within the Town of Ophir.

Article 2. Specific Prohibitions

The following acts, among others, are declared to be in violation of this ordinance and unlawful, but said enumeration shall not be construed as limiting the generality of this ordinance.

A. Horns and Signaling devices: The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or any other vehicle or any horn or signaling device otherwise used, except as as a danger warning signal or as provided in the vehicle code of the state of colorado, on any street or public place in the town.

B. Animals: owning, keeping possessing any animal or animals which, by frequent or habitual howling, barking or meowing shall cause noise disturbance.

C. Vehicle repairs or testing: Repairing, modyifying or testing any truck, automobile, motorcycle, or other motor vehicle in such a manner as to cause noise disturbance.

D. Fireworks or explosives: The using of explosives, fireworks or other dev devices which create an impulse noise between the hours of 7 P.M. and 7 A.M.,. or in such a manner as to cause a noise disturbance.

E. Construction activities: Between the hours of 7 P.M. and 7 A.M. no person shall operate any equipment used in construction activities within the Town of Ophir. Construction projects shall be subject to the maximum permissable noise levels specified for such projects as set for in Table 1, Article 3v.

Article 3. Community Noise levels

A. It shall be unlawful for any person to operate or cause to permit to be operated any stationary source of noise which creates a sound pressur level that exceeds the limits set forth in Table 1 for more than 90% (ninety percent) of any measurement period. This measurement shall not be less than ten minutes when measured at the nearest property boundary or at any point within the town limits which is affected by the noise.

TABLE I

<u>Activity</u>	<u>Day ( 7 a.m. to 7 p.m.)</u>	<u>Night (7 p.m. to 7 p.m.)</u>
Residential (town limits)	55 dbh	50
Construction projects	70	50
Wood Gathering	70	50

Article 3, Continued

B. Correction for character of sound: It shall be unlawful for any person to operate or cause to permit to be operated any stationary source of noise which emits a pure tone, cyclically varying noise or repetitively varying noise which exceeds 5 dB (A) less than the limits set in Table 1.

Article 4. Motor vehicle noise levels

A. It shall be unlawful for any person to drive or move, within this municipality, any motor vehicle which emits a sound pressure level in excess of the dB(A) established in Table 2. of this section. Noise from a motor vehicle within the public right-of-way shall be measured at a distance of at least twenty five feet from the near side of the nearest traffic lane being monitored and at a height of at least four (4) feet above the immediate surrounding surface. Noise from a motor vehicle which is located other than within a public right-of-way shall be measured at a distance of at least twenty-five (25) feet from said vehicle and at a height of at least four (4) feet above the immediate surrounding surface.

Table 2

<u>Vehicle Class</u>	25 feet
Any vehicle greater than 7,000 lbs., manufacturer's gross weight.	82
Any Motorcycle	80
Any other motor vehicle	80

B. Exemption: Equipment used expressly for residential home construction shall not be subject to the conditions of these noise levels between the hours of 7 a.m. and 9 p.m. Equipment used for snow removal and wood gathering shall also be exempt from the conditions of these noise levels between the hours of 7 a.m. and 9 p.m.

Article 5. Additional provisions

A. Whenever in any section of this ordinance the doing of any act is required, prohibited, or declared to be unlawful and no definite penalty is provided for a violation thereof, any person, firm or corporation who shall be convicted of a violation of any such section, shall, for each offense, be fined a sum of not more than \$300.00 (three hundred dollars) Each day (24 hour period) which above mentioned violation exists or continues constitutes a separate offense.

B. Confiscation of evidence: In any case in which a summons and complaint is issued for violation of this ordinance, the noise producing device involved may be seized and held for use as evidence at trial.

C. Permits: Applications for a permit for relief from the provisions of this ordinance may be made to the General Assembly of the Town of Ophir.

Introduced, Read and passed on first reading by the General Assembly on March 22, 1981.

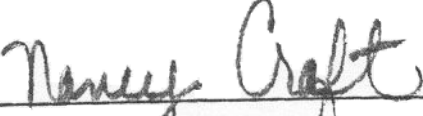
The Ordinance was published as required in the Telluride Times.

A Second reading was held on August 18, 1981, at which the ordinance

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was approved by the General Assembly.

ATTEST: This 5th Day of September, 1981

  
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Town Administrator