



Legal Notice

Date: 02/18/2021

Subject: An ordinance of the City of Littleton, Colorado amending sections 7-3-3 and 7-3-6 of the city code pertaining to noise control

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

**ORDINANCE 03
SERIES 2021**

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 03**

4
5 **Series, 2021**

6
7 **AN ORDINANCE OF THE CITY OF LITTLETON,**
8 **COLORADO, AMENDING SECTIONS 7-3-3 AND 7-3-6 OF**
9 **THE CITY CODE PERTAINING TO NOISE CONTROL**

10
11 **WHEREAS**, the Littleton City Code currently establishes limits to noise in its
12 various zoning districts; and

13
14 **WHEREAS**, the Littleton City Code does not adequately address the Downtown
15 District where certain normal activities such as outdoor dining may exceed the current limits at
16 certain times of the evening; and

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18 **WHEREAS**, the city council finds that the proposed amendments to the Littleton
19 City Code are in the best interest of the City and will provide clarity and promote the public health,
20 safety and welfare of its inhabitants and businesses.

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22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
23 **THE CITY OF LITTLETON, COLORADO, THAT:**

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25 **Section 1:** Section 7-3-3 of the Littleton City Code is hereby amended as follows:

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27 **7-3-3: DEFINITIONS AND STANDARDS:**

28 For the purpose of this chapter, certain words and phrases used herein are defined as follows:

29 "A" WEIGHTED SOUND PRESSURE LEVEL: The sound pressure level as measured with a
30 sound level meter using the "A" weighting network. The standard unit notation is dB(A).

31 ALL TECHNICAL TERMINOLOGY: Unless the context otherwise requires, shall be defined in
32 accordance with American National Standards Institute (ANSI) publication S1.1-1960, revised
33 1971, or successor publications of ANSI, or its successor bodies.

34 AMBIENT NOISE LEVEL: The sound pressure level of the all-encompassing noise associated
35 with a given environment, being usually a composite of sounds from many sources. The "A"
36 weighted sound pressure level exceeded ninety percent (90%) of the time based on a one hour
37 period.

38 BUSINESS DISTRICT(S): Shall mean any district zoned as defined in title 10 of this code.

39 CONSTRUCTION ACTIVITIES: Any and all activity incidental to the erection, demolition,
40 assembling, altering, installing or equipping of buildings, structures, roads or appurtenances
41 thereof, including land clearing, grading, excavating and filling.

42 CONTINUOUS NOISE: A steady, fluctuating or impact noise which exists, essentially without
43 interruption for a period of one hour or more.

44 CYCLICALLY VARYING NOISE: Steady, fluctuating or impulsive noise which may or may
45 not contain a pure tone, which varies in sound pressure level such that the same level is obtained
46 repetitively at reasonably uniform intervals of time.

- 1 DEVICE: Any mechanism which is intended to or which actually produces audible sound when
2 operated or handled.
- 3 DISTURBANCE: Any sound which annoys, disturbs or perturbs reasonable persons with normal
4 sensitiveness; or which injures or endangers the comfort, repose, health, hearing, peace or safety
5 of other persons.
- 6 **DOWNTOWN DISTRICT: THE PEDESTRIAN-ORIENTED DOWNTOWN OF LITTLETON**
7 **BOUNDED ON THE WEST BY SOUTH SANTA FE DRIVE, ON THE NORTH BY WEST**
8 **BELLEVUE AVENUE, ON THE EAST BY THE RAILROAD TRACKS AND ON THE**
9 **SOUTH BY WEST CHURCH AVENUE.**
- 10 DYNAMIC BRAKING DEVICE: A device used, primarily on trucks, to convert the motor from
11 an internal combustion engine to an air compressor for the purpose of vehicle braking.
- 12 EMERGENCY WORK OR VEHICLE: Work made necessary to restore property to a safe
13 condition following a public calamity, work required to protect persons or property from an
14 imminent exposure to danger. A motor vehicle used in response to a public calamity or to protect
15 persons or property from an imminent exposure to danger.
- 16 FLUCTUATING NOISE: The sound pressure level of a fluctuating noise varies more than 6
17 dB(A) during the period of observation when measured with the slow meter characteristic of a
18 sound level meter, and does not equal the previously existing ambient noise level more than once
19 during the period of observation.
- 20 IMPULSIVE NOISE: A noise containing excursions usually less than one second of sound
21 pressure level 20 dB(A) over the ambient sound pressure level, using the "fast" meter
22 characteristic.
- 23 INDUSTRIAL DISTRICT(S): Shall mean any district zoned as defined in title 10 of this code.
- 24 LEVEL, NINETIETH PERCENTILE: The A weighted sound pressure level that is exceeded
25 ninety percent (90%) of the time, or the level that is exceeded for fifty four (54) minutes in one
26 hour, is denoted L₉₀.
- 27 LEVEL, TENTH PERCENTILE: The A weighted sound pressure level that is exceeded ten
28 percent (10%) of the time or the level that is exceeded six (6) minutes in one hour, is denoted
29 L₁₀.
- 30 MOTOR VEHICLE: Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-
31 trailer, trailer or semitrailer, propelled or drawn by mechanical power, and shall include
32 motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.
- 33 MUFFLER: Any apparatus consisting of baffles, chambers or acoustical absorbing material
34 whose primary purpose is to transmit liquids or gases while causing a reduction in sound
35 emission at one end. To qualify, such an apparatus must cause a reduction in sound pressure
36 level of at least 10 dB(A) upon insertion into the system for which it is intended.
- 37 NOISE: Any sound which is unwanted or which causes or tends to cause an adverse
38 psychological or physiological effect on human beings.
- 39 PERSON: Any individual, firm or corporation or group of people.
- 40 PLAINLY AUDIBLE: The information content of sound is unambiguously transferred to the
41 auditor, such as, but not limited to, understanding of spoken speech, comprehension of raised or
42 normal voices or comprehension of musical rhythms.

- 1 PROPERTY BOUNDARY: An imaginary line exterior to any enclosed structure at the ground
- 2 surface which separates the real property owned by one person from that owned by another
- 3 person and its vertical extension.
- 4 PUBLIC RIGHT OF WAY: Any street, avenue, boulevard, highway, alley or public space which
- 5 is opened or controlled by a public governmental entity.
- 6 RESIDENTIAL DISTRICT(S): Any district zoned as defined in title 10 of this code.
- 7 SOUND AMPLIFYING EQUIPMENT: Any machine or device used for the amplification of a
- 8 human voice, music or any other sound or by which the human voice, music or any other sound
- 9 is amplified.
- 10 SOUND LEVEL METER: An instrument or apparatus, including a microphone, an amplifier, an
- 11 output meter, and weighting networks for the measurement of sound pressure. The output meter
- 12 reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as
- 13 specified in the American National Standards Institute publication S1.4-1971 or successor
- 14 publications.
- 15 SOUND PRESSURE LEVEL: Twenty (20) times the logarithm to the base ten (10) of the ratio
- 16 of the root mean square pressure of a sound to the reference pressure, which is 20×10^6 newtons
- 17 per meter squared.
- 18 STATIONARY NOISE SOURCE: Any equipment or facility, fixed or movable, capable of
- 19 emitting sound beyond the property boundary of the property on which it is used.
- 20 STEADY NOISE: The sound pressure level of a steady noise remains essentially constant during
- 21 the period of observation, i.e., it does not vary more than 6 dB(A) when measured with the
- 22 "slow" meter characteristic of a sound level meter.
- 23 UNNECESSARY NOISE: Any excessive or unusually loud sound or any sound which disturbs
- 24 the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the
- 25 comfort, repose, health, hearing, peace, or safety of any person or causes damage to property or
- 26 business.

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28 **Section 2:** Section 7-3-6 of the Littleton City Code is hereby amended as follows:
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30 **7-3-6: MAXIMUM PERMISSIBLE CONTINUOUS SOUND PRESSURE LEVELS:**

31 It shall be unlawful for any person to operate or permit to be operated any stationary, continuous
32 source of noise in such a manner as to create a sound pressure level which exceeds the limits set
33 forth in the following table more than ninety percent (90%) of any hour when measured at the
34 property boundary or at any point within the property affected by the noise. When a noise source
35 can be identified and its noise measured in more than one land use category, the limits of the
36 most restrictive use shall apply at the boundaries between different land use categories.

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38 SOUND PRESSURE LEVEL LIMIT
39 dB(A)

Use District	Day 7:00 A.M.–7:00 P.M.	Night 7:00 P.M.–7:00 A.M.
Residential	55	50

Business	60	55
Industrial	75	75

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USE DISTRICT	MONDAY-WEDNESDAY, SUNDAY		THURSDAY-SATURDAY	
	BUSINESSES WITHIN DOWNTOWN DISTRICT	7:00 A.M.-7:00 P.M.	7:00 P.M.-7:00 A.M.	7:00 A.M.-10:00 P.M.
	60	55	80	55

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Noise levels for any PUD shall conform with this table, and shall be determined by the predominant land use as set forth in the PUD plan.

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Section 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

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Section 4: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

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INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 16th day of February, 2021, passed on first reading by a vote of 6 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

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PUBLIC HEARING on the Ordinance to take place on the 2nd day of March, 2021, in the Council Chamber¹, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

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27 PASSED on second and final reading, following public hearing, by a vote of _____FOR
28 and _____ AGAINST on the 2nd day of March, 2021 and ordered published by posting at Littleton
29 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

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31 ATTEST:

32 _____
33 Colleen L. Norton
34 CITY CLERK

Jerry Valdes
MAYOR

35 _____
36 _____
37 Reid Betzing
38 CITY ATTORNEY

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¹ Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.