

**TOWN OF KEYSTONE
ORDINANCE NO. 2025-O-09**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
REGARDING THE REGULATION OF EXCESSIVE NOISE WITHIN THE TOWN OF
KEYSTONE**

WHEREAS, the Town of Keystone, Colorado ("Town") is a home rule municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town of Keystone Town Charter article 2.9 grants the Keystone Town Council the right to exercise all legislative powers and functions of municipal government; and

WHEREAS, the existence of excessive noise within the Town of Keystone will have a detrimental effect on the citizens and visitors in the Town; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the Town and its citizens to adopt an ordinance to regulate and control excessive noise within the Town of Keystone.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Keystone, Colorado, as follows:

Section 1. The Town Council adopts the items in attached Exhibit A as the Town's nuisance ordinance – general provisions regarding the regulation and control of excessive noise within the Town of Keystone.

Section 2. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. After adoption by the Town Council, this ordinance shall take effect on June 27, 2025.

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INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON MAY 27, 2025, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

13th DAY OF MAY 2025.

Signed by:

Kenneth D. Riley

FFCC105F18734F9...

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

Madeline Sichel

04E4BE3F50A1424...

Town Clerk

APPROVED AS TO FORM:

Signed by:

Jennifer Madsen

89751994A1B74EC...

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 6 IN FAVOR AND 00 OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 27th DAY OF MAY 2025.

Signed by:

Kenneth D. Riley

FFCC105F18734F9...

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

Madeline Sichel

04E4BE3F50A1424...

Town Clerk

APPROVED AS TO FORM:

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Jennifer Madsen

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Town Attorney

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EXHIBIT A

Section 1. - Title.

This ordinance shall be known as the *NOISE ORDINANCE*.

Section 2. - Purpose.

The purpose of this Ordinance is to regulate excessive noise in the Town of Keystone in order to protect the property, health, welfare, peace or safety of its citizens, inhabitants and visitors.

Section 3. – Definitions

As used in this Ordinance, unless the context otherwise requires, the following words shall mean:

A. "Ambient Noise Level" means the lowest sound level which repeats itself during a six-minute period as measured with a sound level meter and can be heard and measured from the point a noise reading is made. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source at issue.

B. "Commercial zone" means:

1. An area where offices, clinics, and other facilities needed to serve them are located;
2. An area with a significant number of local shopping and service establishments;
3. A tourist-oriented area where hotels, motels, and gasoline stations are located;
4. A large integrated regional shopping center;
5. A business strip along a main street containing offices, retail businesses, and commercial enterprises;
6. A central business district; or

7. A mixed-use, commercially dominated area. For purposes of this section, short-term rentals licensed by the Town of Keystone are not considered commercial establishments.

8. A resort base area.

C. "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American national standards institute, publication S1.4 -- 1971.

D. "db(B)" means sound levels in decibels measured on the "B" scale of a standard sound level meter having characteristics defined by the American national standards institute, publication S1.4 -- 1971.

E. "Decibel" is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10^{-5} N/m² (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one hundred percent increase or decrease in the sound level, and a ten-decibel change is a one thousand percent increase or decrease in the sound level.

F. "Motorcycle" means a self-propelled vehicle with not more than three wheels in contact with the ground that is designed primarily for use on the public highways.

G. "Motor vehicle" means a self-propelled vehicle with at least four wheels in contact with the ground that is designed primarily for use on the public highways.

H. "Muffler" means a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

I. "Off-highway vehicle" means a self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways.

J. "Off-highway vehicle" shall not include the following:

1. Military vehicles;
2. Golf carts;
3. Snowmobiles;
4. Vehicles designed and used to carry persons with disabilities; and
5. Vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes.

K. "Residential zone" means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone may include areas where multiple-unit dwellings and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. "Residential zone" includes hospitals, nursing homes, and similar institutional facilities.

L. "SAE J1287" means the J1287 stationary sound test or any successor test published by SAE international or any successor organization.

M. "SAE 12567" means the 12567 stationary sound test or any successor test published by SAE international or any successor organization.

N. "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways. "Snowmobile" shall not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

Section 4. - Maximum Permissible Noise Levels

A. It shall be unlawful for any person to emit or cause to be emitted any noise that leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels permitted during the time periods specified in Table A. It is further unlawful for any person to emit or cause to be emitted any noise within the public premises in excess of the limits established in Table A.

1. The noise source shall be measured at any point at least twenty-five (25) feet from the property line of the premises or within the property line of the receptor premises, as determined at the Town's discretion, to determine compliance with this ordinance. The zone where the Town measures the sound levels shall determine the allowable levels.

2. When it is determined that the ambient sound pressure level at the receptor premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the ambient sound pressure level is the standard that cannot be exceeded by the noise source.

3. At the Town's discretion, if the noise source is determined to have excessive levels of bass noise, the sound levels may be determined using the db(B) scale.

Table A

<i>Residential Zone</i>	<i>7:00 a.m. to next 10:00 p.m.</i>	<i>10:00 p.m. to next 7:00 a.m.</i>
	55 db(A)	50 db(A)
<i>Commercial Zone</i>	<i>7:00 a.m. to next 11:00 p.m.</i>	<i>11:00 p.m. to next 7:00 a.m.</i>
	70 db(A)	60 db(A)

B. Every activity to which this Ordinance is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittent, beat frequency, or shrillness.

C. In the hours between 7:00 a.m. and the next 11:00 p.m., the noise levels permitted in subsection (A) of this section may be increased by ten db(A) for a period of not to exceed six minutes in any one-hour period.

D. Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection (A) of this section.

E. Measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour. If the meter is provided with an ANSI approved windscreen, allowable wind speed shall not be more than twelve (12) miles per hour.

Section 5. – Motor Vehicle Noise

A. No person shall drive, operate, or knowingly permit to be driven or moved, a motor vehicle on a public road or highway that produces noise in excess of the sound levels in decibels, measured on the "A" scale on a standard sound level meter having characteristics established by the American national standards institute, publication S1.4--1971, and measured at a distance of fifteen meters from the center of the lane of travel and within the speed limits specified below:

<i>Type of Vehicle</i>	<i>Speed limit of 56 kph or less</i>	<i>Speed limit of more than 56 kph</i>
Any motor vehicle with a manufacturer's gross vehicle weight rating of six thousand pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle:		
- Before January 1, 1988	83 db(A)	87 db(A)
- On or after January 1, 1988	80 db(A)	80 db(A)

B. It shall be a nuisance to operate a vehicle within Town of Keystone that creates excessive noise or creates noise through the operation of a compression release engine brake.

C. This section applies to the total noise from a vehicle or combination of vehicles.

Section 6. – Off-Highway Vehicles

A. An off-highway vehicle operated within the Town of Keystone shall not emit more than the following level of sound when measured using SAE 11287:

- 1. If manufactured before January 1, 1998 ----- 99 db(A)
- 2. If manufactured on or after January 1, 1998 ---- 96 db(A)

B. A snowmobile shall not emit more than the following level of sound when measured using SAE 12567:

- 1. If manufactured on or after July 1, 1972, and
before July 2, 1975 ----- 90 db(A)
- 2. If manufactured on or after July 2, 1975 ----- 88 db(A)

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- C. This section shall not apply to the following:
1. A vehicle designed or modified for and used in closed-circuit, off-highway vehicle competition facilities;
 2. An off-highway vehicle used in an emergency to search for or rescue a person; and
 3. An off-highway vehicle while in use for agricultural purposes.
- D. The following shall be an affirmative defense to a violation under this section if the off-highway vehicle or snowmobile:
1. Was manufactured before January 1, 2005;
 2. Complied with federal and state law when purchased;
 3. Has not been modified from the manufacturer's original equipment specifications or to exceed the sound limits imposed by subsection (a) or (b) of this section; and
 4. Does not have a malfunctioning exhaust system

Section 7. – Vehicle Muffler Required

- A. No person shall operate any vehicle with an internal combustion engine within the Town of Keystone that is not equipped with a muffler in constant operation and is not properly maintained to prevent an increase in the noise emitted by the vehicle above the noise emitted when the muffler was originally installed.
- B. No person shall operate any vehicle in the Town of Keystone having a muffler that has been equipped or modified with a cutoff and bypass or any similar device or modification.

Section 8. – Exemptions

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This ordinance shall not apply to:

- A. The operation of aircraft or other activities which are subject to federal law with respect to noise control.
- B. Property used for public utilities regulated pursuant to title 40, C.R.S. and oil and gas production subject to the provisions of article 60 of title 34, C.R.S.
- C. The use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the Town of Keystone or other governmental agency having lawful jurisdiction to authorize such use.
- D. The use of property for the purpose of manufacturing, maintaining, or grooming snow.
- E. The use of property by the State of Colorado, any political subdivision of this state, or any other entity not organized for profit, including but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, parades, and firework displays.
- F. Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- G. The sound made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law.
- H. Public utilities regulated pursuant to Title 40, C.R.S.

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- I. Oil and gas production subject to the provisions of Article 60 of Title 34, C.R.S.
- J. The sound made within the terms of a fireworks display permit.
- K. Activities conducted pursuant to a special use permit issued or otherwise authorized by the Town in which noise is addressed.
- L. Noise from snow plowing and removal, lawn maintenance, street cleaning, or trash collection

Section 9. – Prohibited Noise Activities

The following activities are prohibited notwithstanding the sound pressure levels permitted pursuant to Section 4 and Section 5:

- A. Vehicle horns. No person shall, at any time, sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident or reasonably inform or warn of a vehicle presence.
- B. Alarms. It is an unlawful nuisance for any alarm that is audible outside the premises or vehicle in which it is installed or that it is intended to protect to be activated: (1) for a period exceeding fifteen (15) minutes; or 2) three or more times within a seven (7) day period when no emergency is found to exist by the Town. Violation of (1) or (2) or both constitute separate offenses. Alarms required to be turned off by emergency services are exempt from this section.

Section 10. - General prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive or unusually loud noise which:

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- A. Disturbs, annoys or endangers the peace, repose, comfort, safety or health of others; or
- B. Endangers or injures personal or real property.