

City Council

Study Session Agenda

November 29, 2016

City Hall, Council Chambers

7:00 PM

Note: The time frames assigned to agenda items are estimates for guidance only. Agenda items may be heard earlier or later than the listed time slot.

- | | | |
|------------------|-------------|---|
| 7:00 p.m. | I. | Call to Order |
| 7:00 - 7:45 p.m. | II. | Cultural Arts Master Plan Update |
| 7:45 – 8:15 p.m. | III. | Ranger Naturalist Program Update |
| 8:15 – 8:45 p.m. | IV. | Discussion – Noise Regulations |
| 8:45 – 8:50 p.m. | V. | City Manager’s Report & Advanced Agenda |
| 8:50 – 9:00 p.m. | VI. | Identification of Future Agenda Items |
| 9:00 p.m. | VII. | Adjourn |

SUBJECT: CULTURAL ARTS MASTER PLAN UPDATE

DATE: NOVEMBER 29, 2016

**PRESENTED BY: SUZANNE JANSSEN, CULTURAL ARTS/
SPECIAL EVENT COORDINATOR
LCC CULTURAL ARTS MASTER PLAN COMMITTEE**

SUMMARY:

This Study Session discussion is intended to provide City Council with an update on development of the Cultural Arts Master Plan. The Cultural Arts Master Plan is intended to provide a roadmap for (1) expanding the visual, literary and performing arts in Louisville, (2) providing diverse and engaging cultural activities in the City, (3) fostering Louisville's creative industries, and (4) enhancing Louisville's identity as a vibrant cultural destination.

City staff, working in conjunction with the Louisville Cultural Council and an advisory committee comprised of representatives of community arts organizations and artists, began research for a city-wide Cultural Arts Master Plan in November 2014. Through the information gathering stage, this group identified eight major areas of concern:

- 1) Cultural/Performing Arts Facilities
- 2) Public Art
- 3) Artists and Art Organization Needs
- 4) Marketing and Audience Development
- 5) Special Events
- 6) Programming
- 7) Arts Education
- 8) Arts as Economic Development

The draft Cultural Arts Master Plan provides a framework of goals and action items to address these issues and to support and strengthen resident artists, art organizations and individuals working in creative industries in Louisville. The Plan also reflects the City's Comprehensive Master Place policies adopted in 2013. Finally, the Plan identifies likely partners who would collaborate with the City to implement the Plan.

The LCC and City staff believe these draft goals and action items reflect the opinions and expectations of the community and those involved in the creative sector of Louisville. Before finalizing the draft plan for formal consideration by the City Council, the LCC and staff will provide further opportunities for the public and Advisory Boards and Commissions to review and comment of the proposed goals and action Items.

SUBJECT: CULTURAL ARTS MASTER PLAN UPDATE

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FISCAL IMPACT:

The primary fiscal impact will be on staff workload with some operational expenses that will be incurred during the public meeting process. Operating and/or capital recommendations, if any, proposed in the Cultural Arts Master Plan will be evaluated in future budget cycles.

RECOMMENDATION:

Discuss the proposed Goals and Action Items.

ATTACHMENT(S):

1. Cultural Arts Master Plan Update Presentation
2. Proposed Action Items Chart

LOUISVILLE CULTURAL ARTS MASTER PLAN UPDATE

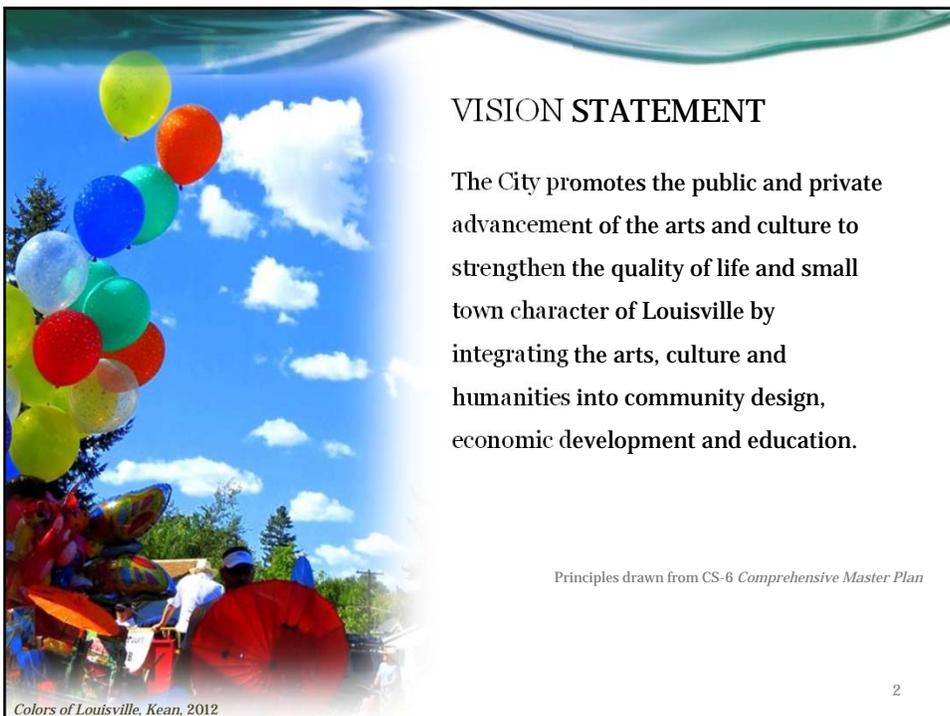


November 29, 2016

VISION STATEMENT

The City promotes the public and private advancement of the arts and culture to strengthen the quality of life and small town character of Louisville by integrating the arts, culture and humanities into community design, economic development and education.

Principles drawn from CS-6 Comprehensive Master Plan



Colors of Louisville, Kean, 2012

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The Louisville's Cultural Arts Master Plan provides a roadmap for...

- Expanding the visual, literary and performing arts in Louisville
- Providing diverse and engaging cultural activities in the City
- Fostering Louisville's creative industries
- Enhancing Louisville's identity as a vibrant cultural destination

Reconnection to Spirit, Linda Armantrout, 2015

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Research Gathering

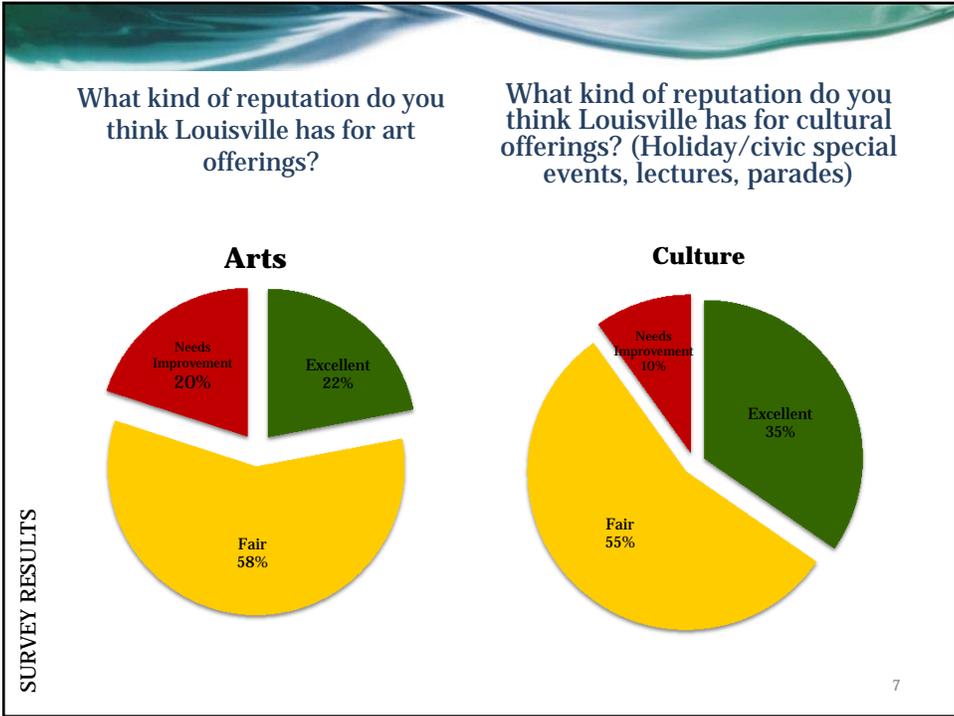
- 2014 Planning**
 - Staff and LCC subcommittee define CAMP planning process
 - CAMP mission presented to City Council
 - CAMP Steering Committee formed
- 2015 Research**
 - Public meetings
 - Resident & artist surveys
 - Arts org. questionnaire
 - Major goals & action items identified
 - Steering Committee modified proposed goals and action items
- 2016 Compilation**
 - Research continued
 - Writing of Plan
 - Staff and LCC present *Cultural Arts Master Plan Update* to City Council

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Research Gathering

- Surveys**
 - General Public
 - Creatives
- Public Meetings**
 - Held at Center for the Arts
1/20, 1/24, 2/18 and 3/16
- Arts Organization Questionnaire**

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Facilities

Public Art

Marketing

Professional Development

Key Findings

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Facilities

- Performing Arts Space
- Rising Costs of Rental Rates
- Rehearsal Space for Theater and Musicians
- Classrooms-Multi-Use/ Versatile Space
- Access to Louisville Center for the Arts and other non-traditional locations throughout City

Public Art

- Inventory of Present Collection
- Public Art Policies
- Public Art throughout the City
- Increase Diversity in Art Installations
- Multi-Partner Funding Sources/Approach

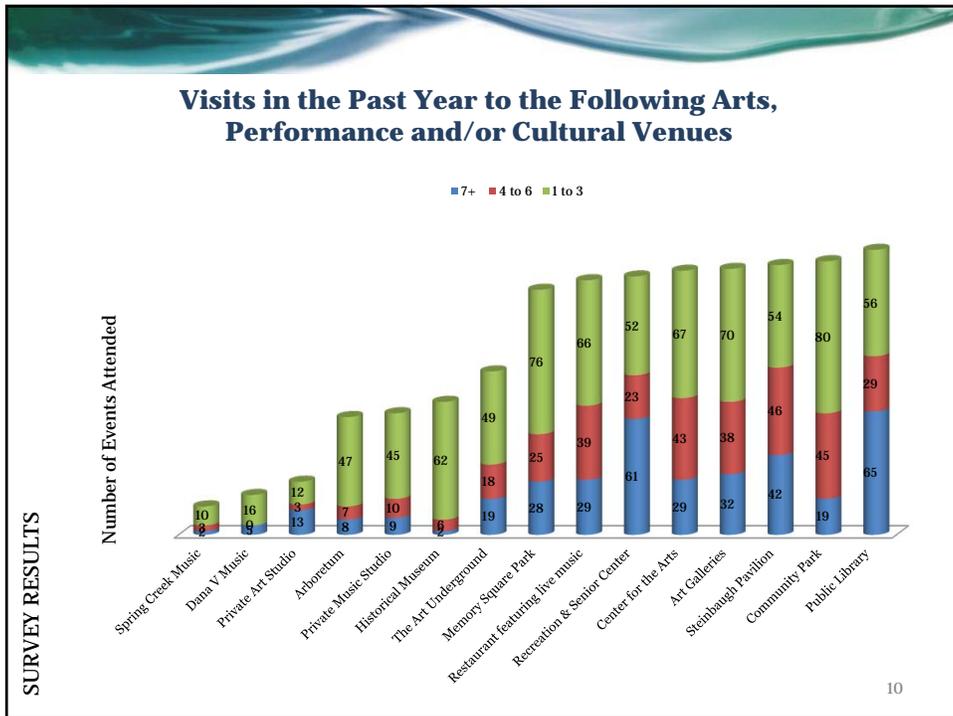
Marketing

- Signage at the Center for the Arts
- Downtown Signage
- Community Art/Event Calendar
- Social Media Expertise/Training
- Reach New Audiences

Professional Development

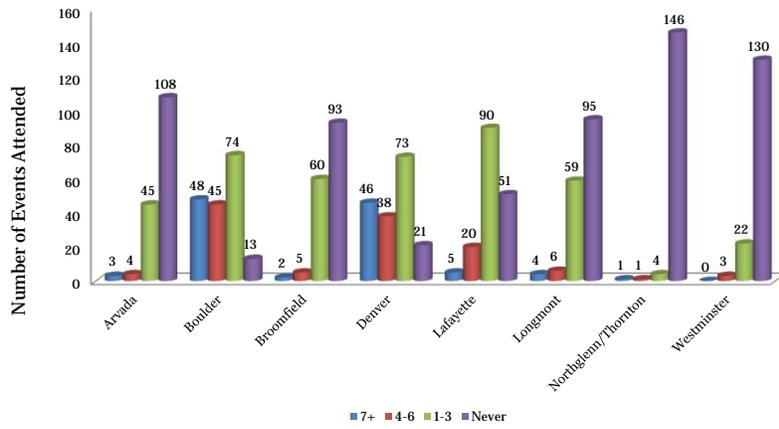
- Application Processes/Resources
- Business Model/Plan
- Business Skills
- Grant Writing
- Building Collaborative Partnerships

Key Findings



Number of arts, entertainment or cultural events in neighboring communities

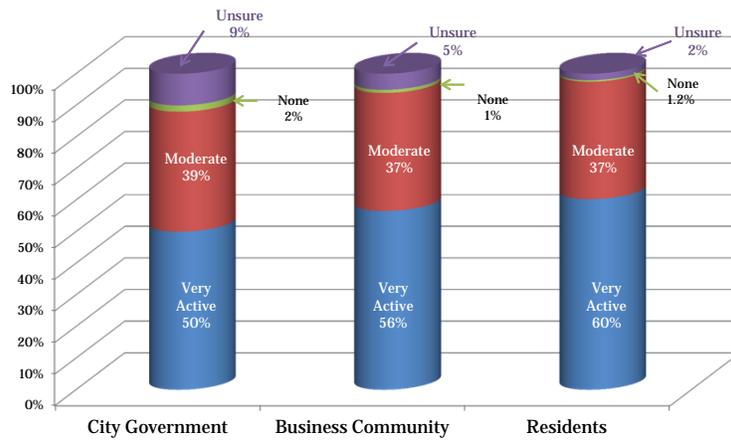
SURVEY RESULTS



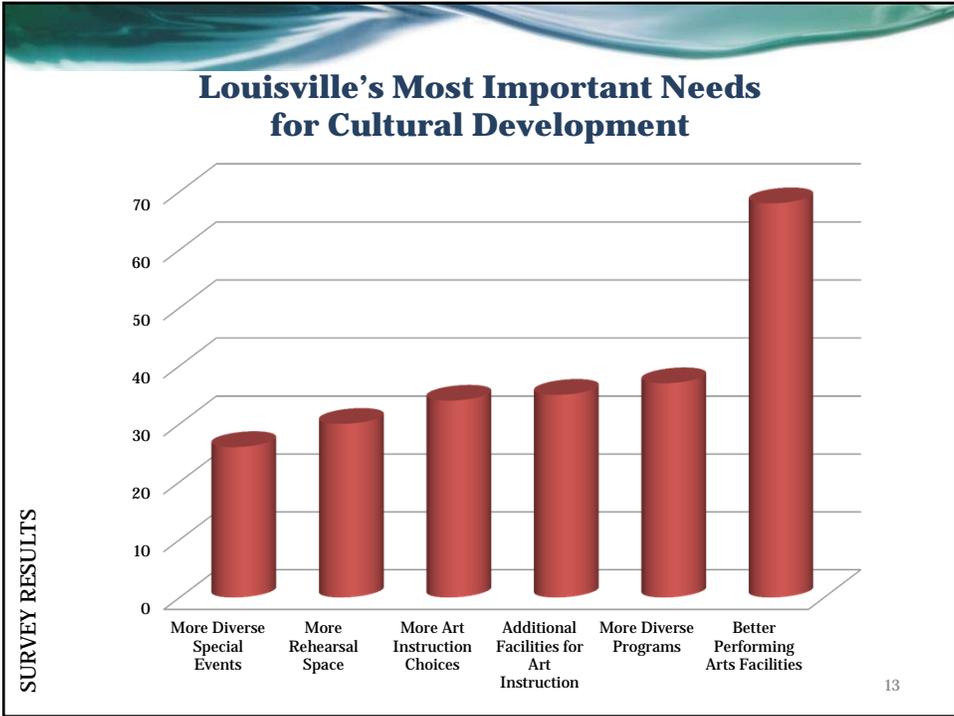
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Roles in the Expansion of Arts & Cultural Programming

SURVEY RESULTS

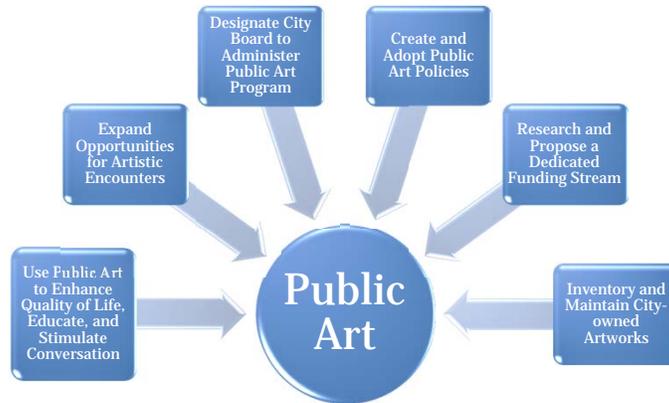


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PUBLIC ART

Goal #2: Expand public art opportunities for Louisville residents and visitors alike to experience “artistic encounters” within the city through a variety of visual artworks, to enhance new and existing public spaces.



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ARTISTS AND ORGANIZATIONAL NEEDS

Goal #3: Create a thriving community where creatives, art-oriented businesses, and arts organizations are sustainable, grow and thrive.



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MARKETING AND AUDIENCE DEVELOPMENT

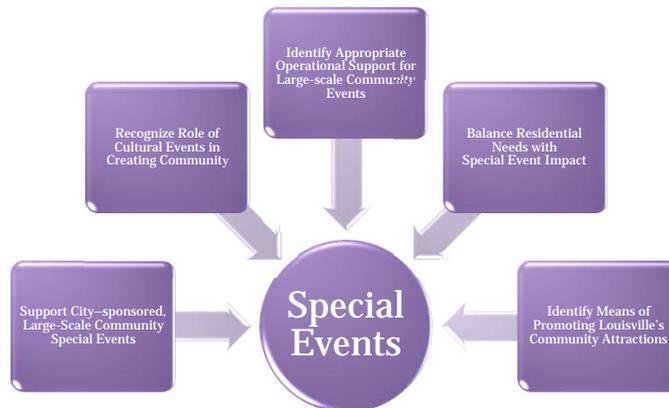
Goal #4: Expand local and regional awareness of, and participation in, cultural assets.



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SPECIAL EVENTS

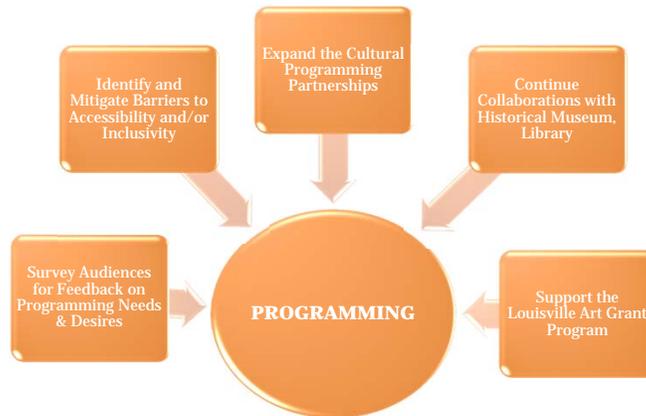
Goal #5: Support community special events hosted by public and private organizations.



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PROGRAMMING

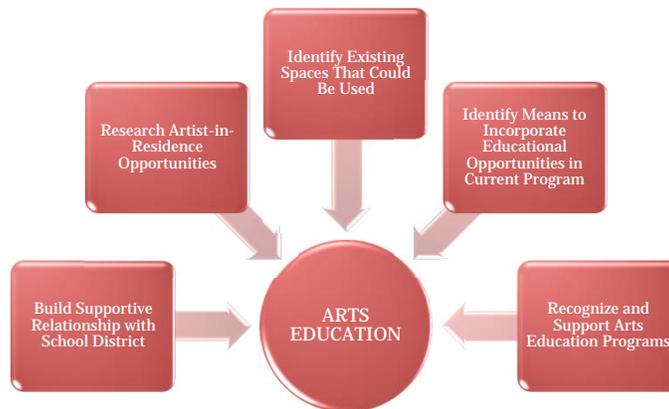
Goal 6: Ensure a stimulating mix of diverse programs that meet the demand for arts centered and cultural programming in the City of Louisville.



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EDUCATION

Goal #7: Advance opportunities to promote arts education within the community.



LAA Student Art Show, Jennifer Strand, 2016

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ART & CULTURE AS ECONOMIC DEVELOPMENT

Goal 8: Research and advocate for sustainable funding, public and private, to support the variety of arts and cultural programs and creative sector professionals within Louisville.



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Ongoing Goals

	Action Items	Partners
1	Expand collaborative partnerships between City departments (particularly Library, Museum, Parks & Recreation, Economic Development), Boards & Commissions, Louisville art organizations, Louisville business community, independent artists, Chamber of Commerce, Downtown Business Association, and Boulder Valley School District to leverage financial resources.	Staff, Business, Chamber of Commerce, DBA, BVSD
2	Support the Louisville Art Grant Program administered by the LCC to ensure programming diversity, sustainability and provide a means for the City to respond to short-term arts/cultural projects.	Staff, LCC, City Council
3	Conduct audience surveys to obtain feedback on programming needs & desires and determine strengths/weakness in current marketing efforts to guide future marketing decisions.	Art Orgs, LCC
4	Support City-sponsored, large-scale community special events (Street Faire, July 4th Fireworks Celebration, Touch-A-Truck and the Labor Day Weekend Events & Parade)	Staff, City Council, Community
5	Evaluate City-sponsored events and make necessary adjustments as needed based upon event goals, operations and community and community impact.	Staff
6	Identify appropriate operational support levels for non-City sponsored large-scale community events.	Staff, City Council, Community
7	Implement a Cultural Arts Master Plan to serve as a guiding principle for arts and culture decisions made for the community.	Staff, LCC, Chamber of Commerce, Arts Orgs, CAMP Steering Committee, Community

Short Term Goals		
	Action Items	Partners
8	Participate in an Americans for the Arts Economic Impact Study that will provide detailed community statistics regarding the true economic impact of creative industries on the region.	Staff, LCC, Arts Orgs, Business, Chamber of Commerce
9	Pending favorable results of the AFTA Economic Impact data, conduct a facility feasibility study for performing arts venue(s) to identify and recommend appropriate space to support the needs of creatives and arts and cultural organizations.	Staff, Creatives, Art Orgs, Community
10	Utilizing public artwork as a means of expressing community character and enhancing community engagement, establish a formal Public Art Program and designate authority to a City board/commission.	Staff, LCC, City Council, Creatives, Community, Business
11	Using the City's Comprehensive Master Plan and the Louisville's Downtown Framework Plan as a guideline, make necessary zoning adjustments to allow and encourage public art placements, "art happenings" and other creative & cultural activities.	Staff, LCC, City Council
12	Research and adopt appropriate governing policies (Acquisition, Display, Deaccession, Maintenance, Preservation, Right-of-Way, etc.) for public art based upon best practices within the field.	Staff, LCC, City Council, Community
13	Review inventory of City-owned public artwork to identify opportunities for increased diversity of theme, medium, and appeal and provide for ongoing maintenance and recordkeeping processes.	Staff, LCC
14	Facilitate quarterly meeting among artists, arts-oriented businesses, and arts organizations for the purpose of sharing information, maximizing resources, and finding ways to collaborate and support one another.	Art Orgs, Staff, Creatives, Community
15	Identify means to facilitate a community calendar of arts and special event activities accessible to individual artists and arts organizations.	Art Orgs, Staff, LCC, Creatives

Short Term Goals		
	Action Items	Partners
16	Develop a comprehensive web-based, publicly accessible art resource guide and directory of the City's artists, arts-oriented businesses, and cultural resources.	Art Orgs, Staff, Creatives, Business, Chamber of Commerce, LCC
17	Identify and mitigate barriers to accessibility and/or inclusivity through the development of cultural programs, instruction, classes and residencies for all audiences, particularly those who would not otherwise have access to opportunities.	Arts Orgs, Creatives, Staff, LCC
18	Recognize and support arts education programs within the school district.	Staff, Arts Orgs, Creatives, BVSD
19	Evaluate local training opportunities in "The Business of Arts" on such subjects as Audience Development, Email Marketing, Direct Marketing, Building a Business Plan, Facebook for the Arts, Volunteer Management, Grant Writing, and Fundraising.	Staff, ArtsOrgs, Chamber, Regional Arts Collaborators, Neighboring Communities
20	Promote leadership participation within regional and state arts agencies to form strong regional partnerships, art advocacy and expand programming options.	Creatives, Art Orgs, Staff, BVSD, Chamber of Commerce
21	Seek methods to retain and enhance current concentrations of artists, arts organization and creative industries within Louisville.	Staff, Business, City Council, Creatives, Arts Orgs
22	Seek additional funding sources for public art and LCC programming.	LCC, Staff
23	Develop collaborative programming with neighboring cities and throughout the County to greater leverage financial resources.	Arts Org, Creatives, Staff, LCC

Short Term Goals		
	Action Items	Partners
24	Create a system for access to the Louisville Center for the Arts for community arts organizations regardless of non-profit status.	Staff, Community, Arts Orgs
25	Evaluate City-owned and private facility initiatives to determine possible public/private partnership opportunities utilizing existing inventory within the community.	Staff, Business, Community

Intermediate Goals		
	Action Items	Partners
26	Encourage private development of creative industries throughout Louisville and seek ways to support such industries through economic development incentives.	Staff, City Council
27	Develop, or facilitate the development of, accessible and affordable performance venue(s), rehearsal space/studios/visual arts spaces within various sections of the community-- specifically to "activate" vacant and underutilized space with arts and cultural activities.	Staff, Arts Orgs, Business, Creatives, Community
28	Pending favorable results of a facility feasibility study, conduct statistically valid survey for community support; and research finance options.	Staff
29	Support cultural opportunities which integrate arts and cultural programming into non-traditional venues (such as community centers, parks, and other open and/or public spaces) to reach new and/or hard to reach populations.	Staff, Arts Orgs, Creatives, Community
30	Apply for SCFD eligibility for the Cultural Arts Department for 2019 Grant Cycle.	Staff
31	Research and propose a dedicated funding stream (such as a future ballot measure, independent 501(c)3 funding, a Percent for the Arts Program) as well as process for accepting donations from individuals, organizations and/or private development, to support community public art.	Staff, LCC
32	Develop and support collaborative advertising efforts among community arts organizations to reach all segments of the population, maximize advertising resources and help build a stronger community arts reputation.	Staff, Arts Orgs, DBA
33	Research feasibility of a collaborative artist-in-residence program with public education and arts instruction as primary goals.	Staff, Arts Orgs, BVSD, Creatives
34	Designate a non-profit downtown cultural district in order to maximize grant opportunities and explore Colorado Creative Industries art district designation.	Staff, City Council

Long Term Goals		
	Action Items	Partners
35	Research resources and funding strategies for artists, artist-oriented small businesses and creative industries (such as seed-money, grants/grant writing, donations, sponsorships, etc.).	Staff, Arts Orgs, Creatives
36	Develop policies and ordinances that encourage the creation of affordable artist live/work and day studio spaces.	Staff, Business, Creatives
37	Establish zones for the concentration and development of small-scale arts uses, such as creative businesses, artists' studios, small performing and exhibition spaces, and other cultural uses.	Staff, Business, Community
38	Ensure availability of arts education programming to resident youth through future community arts facilities, collaborations between schools and arts groups, training and resources for teachers.	Staff, Boards and Commissions, Arts Orgs, BVSD, Creatives

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Looking Ahead

- City Council Feedback
- New CASE review CAMP draft
- Revisions
- Public review of CAMP draft
- Revisions
- Final CAMP to City Council for consideration
- Implementation

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Louisville Invites You To:

Louis Village

December 2, 2016

Friday Night Art Walk

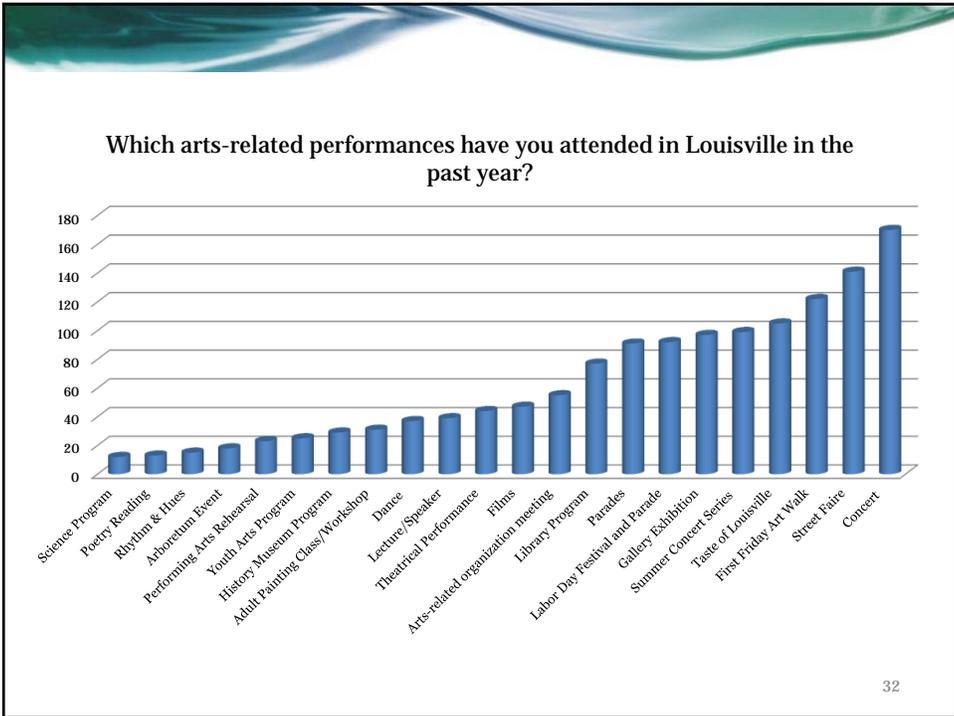
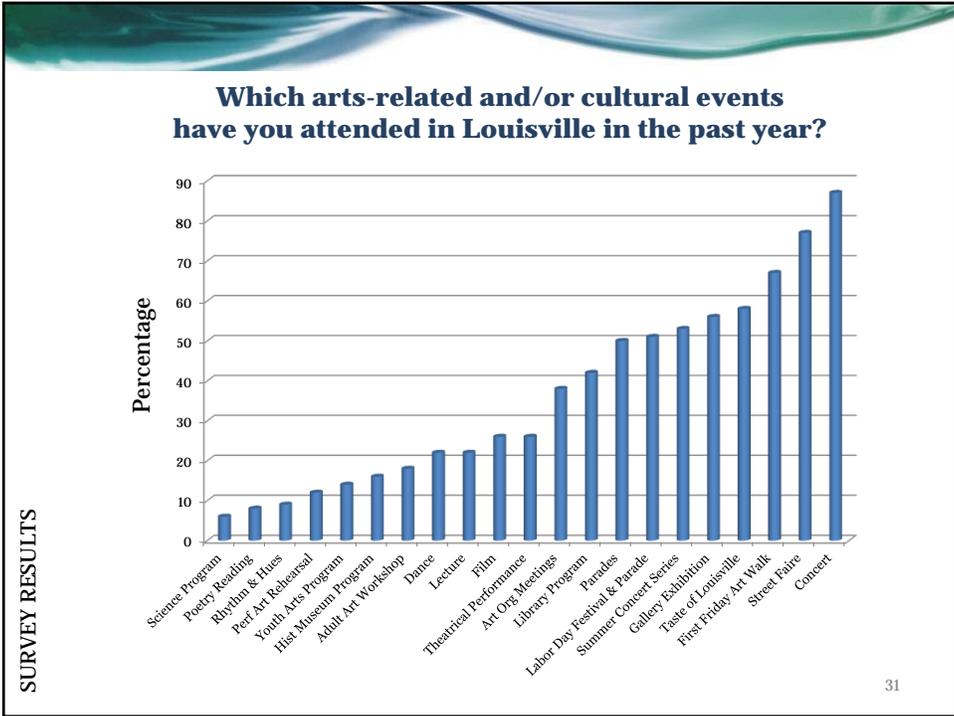
Parade Of Lights

A Welcome To Winter Holidays!

*Presented by: Louisville Chamber of Commerce, Downtown Business Association,
and The Louisville Arts District*

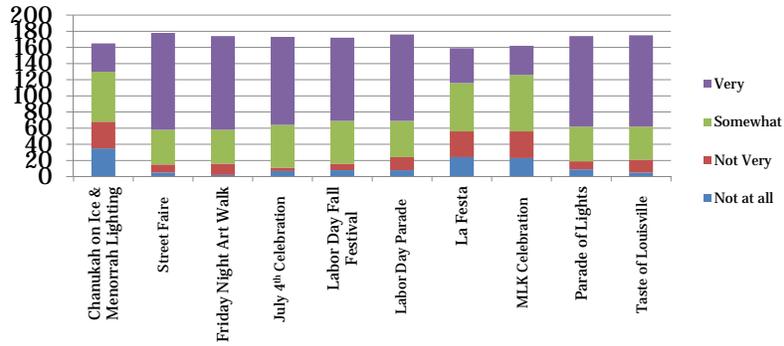
APPENDIX

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Community Events Ranks Somewhat to Very Important to the Quality of Life in Louisville

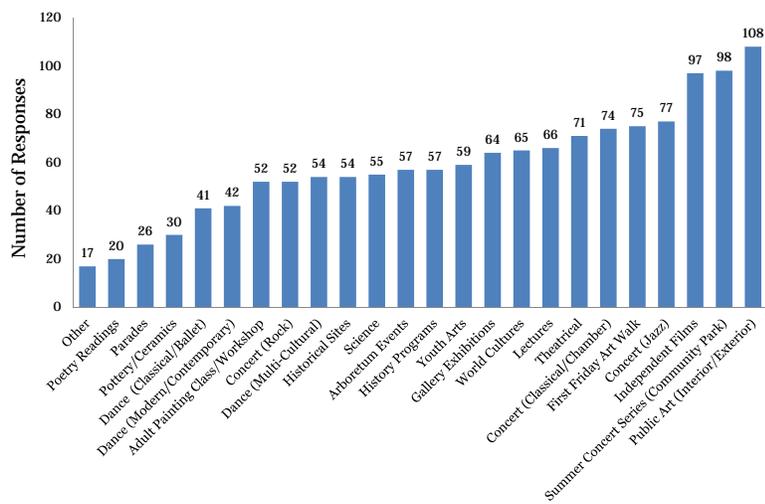
SURVEY RESULTS



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What types of programming would you like to see more of in Louisville?

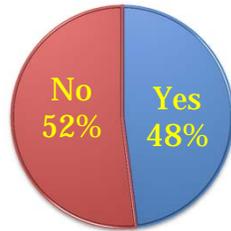
SURVEY RESULTS



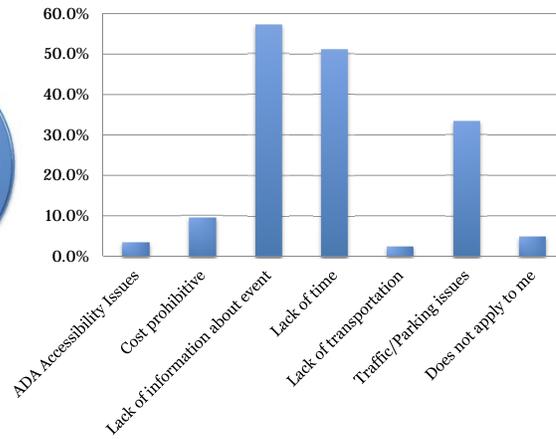
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Barriers to attending events in Louisville

Are there barriers to attending events in Louisville?



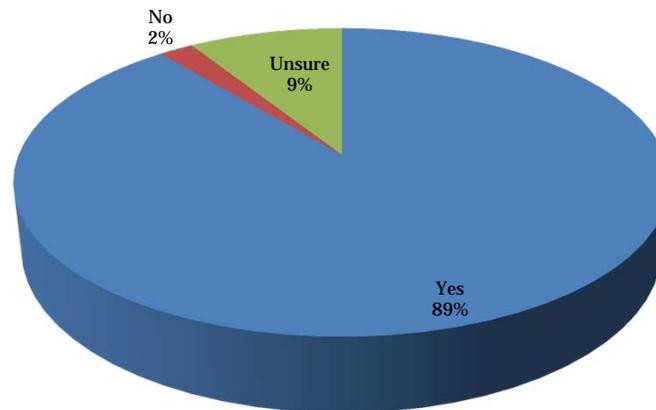
Barriers to Attending Events



SURVEY RESULTS

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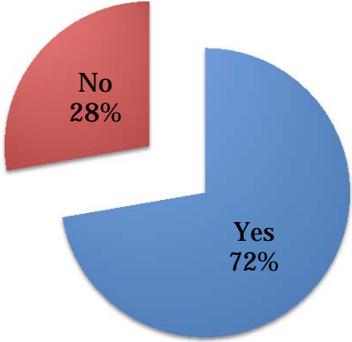
Would you like to see more artwork installed within the public right-of-way (buildings, streets, infrastructure, walkways, etc.)?



SURVEY RESULTS

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Arts-related instruction sought outside of a traditional K-12 setting



SURVEY RESULTS

City of Louisville Comprehensive Master Plan 2013	Priority	Timeline	Action Items	Draft Only									Partners (Add key)
				Facilities	Public Art	Special Events	Programs	Support	Art Education	Audience	Economy		
Policy CS-6.3		Completed	Conduct public forums to facilitate public discussion on issues relating to the development of a Cultural Arts Master Plan.	X	X	X	X	X	X	X	X	X	Staff, LCC, Chamber of Commerce, Arts Organizations, CAMP Steering Committee, Community
Policy CS-6.1: Economic Vitality and the Arts; Local Artists; Board and Commission Support; Art and Culture Education	1	Ongoing	Expand collaborative partnerships between City departments (particularly Library, Museum, Parks & Recreation, Economic Development), Boards & Commissions, Louisville art organizations, Louisville business community, independent artists, Chamber of Commerce, Downtown Business Association, and Boulder Valley School District to leverage financial resources.	X	X	X	X	X	X	X	X	X	Staff, Business, Chamber of Commerce, DBA, BVSD
Policy CS-6.1: Humanities; Local Artists	2	Ongoing	Support the Louisville Art Grant Program administered by the LCC to ensure programming diversity, sustainability and provide a means for the City to respond to short-term arts/cultural projects.			X	X	X			X		Staff, LCC, City Council
Policy CS-6.1: Humanities; Marketing & Communication	3	Ongoing	Conduct audience surveys to obtain feedback on programming needs & desires and determine strengths/weakness in current marketing efforts to guide future marketing decisions.		X	X		X	X				Art Orgs, LCC
Policy CS-6.1: Economic Vitality and the Arts	4	Ongoing	Support City-sponsored, large-scale community special events (Street Faire, July 4th Fireworks Celebration, Touch-A-Truck and the Labor Day Weekend Events & Parade)			X					X		Staff, City Council, Community
Policy CS-6.1: Economic Vitality and the Arts	5	Ongoing	Evaluate City-sponsored events and make necessary adjustments as needed based upon event goals, operations and community and community impact.		X					X	X		Staff
Policy CS-6.1: Economic Vitality and the Arts	6	Ongoing	Identify appropriate operational support levels for non-City sponsored large-scale community events.										Staff, City Council, Community
Policy CS-6.2	7	Ongoing	Implement a Cultural Arts Master Plan to serve as a guiding principle for arts and culture decisions made for the community.	X	X	X	X	X	X	X	X	X	Staff, LCC, Chamber of Commerce, Arts Organizations, CAMP Steering Committee, Community
Policy CS-6.1: Facility Evaluation and Development; Economic Vitality and the Arts; Financial Resources	8	Short Term	Participate in an American for the Arts Economic Impact Study that will provide detailed community statistics regarding the true economic impact of creative industries on the region.	X				X				X	Staff, LCC, Arts Orgs, Business, Chamber of Commerce
Policy CS-6.1: Facility Evaluation and Development	9	Short Term	Pending favorable results of the AFTA Economic Impact data, conduct a facility feasibility study for performing arts venue(s) to identify and recommend appropriate space to support the needs of creatives and arts and cultural organizations.	X			X	X	X			X	Staff, Creatives, Art Orgs, Community
Policy CS-6.1: Public Art and Community Design	10	Short Term	Utilizing public artwork as a means of expressing community character and enhancing community engagement, establish a formal Public Art Program and designate authority to a City board/commission.		X		X				X	X	Staff, LCC, City Council, Creatives, Community, Business
Policy CS-6.1: Public Art and Community Design	11	Short Term	Using the City's Comprehensive Master Plan and the Louisville's Downtown Framework Plan as a guideline, make necessary zoning adjustments to allow and encourage public art placements, "art happenings" and other creative & cultural activities.	X	X	X	X	X	X	X	X	X	Staff, LCC, City Council
Policy CS-6.1: Public Art and Community Design	12	Short Term	Research and adopt appropriate governing policies (Acquisition, Display, Deaccession, Maintenance, Preservation, Right-of-Way, etc.) for public art based upon best practices within the field.		X								Staff, LCC, City Council, Community
Policy CS-6.1: Public Art and Community Design	13	Short Term	Review inventory of City-owned public artwork to identify opportunities for increased diversity of theme, medium, and appeal and provide for ongoing maintenance and recordkeeping processes.		X								Staff, LCC
Policy CS-6.1: Boards & Commission Support; Local Artists; Financial Resources	14	Short Term	Facilitate quarterly meeting among artists, arts-oriented businesses, and arts organizations for the purpose of sharing information, maximizing resources, and finding ways to collaborate and support one another.	X	X	X	X	X	X	X	X	X	Art Orgs, Staff, Creatives, Community
Policy CS-6.1: Local Artists	15	Short Term	Identify means to facilitate a community calendar of arts and special event activities accessible to individual artists and arts organizations.	X	X	X	X	X	X	X	X	X	Art Orgs, Staff, LCC, Creatives
Policy CS-6.1: Marketing & Communication	16	Short Term	Develop a comprehensive web-based, publicly accessible art resource guide and directory of the City's artists, arts-oriented businesses, and cultural resources.	X	X	X	X	X	X	X	X	X	Art Orgs, Staff, Creatives, Business, Chamber of Commerce, LCC
Policy CS-6.1: Humanities; Marketing & Communication	17	Short Term	Identify and mitigate barriers to accessibility and/or inclusivity through the development of cultural programs, instruction, classes and residencies for all audiences, particularly those who would not otherwise have access to these opportunities.				X		X				ArtsOrgs, Creatives, Staff, LCC
Policy CS-6.1: Art and Culture Education	18	Short Term	Recognize and support arts education programs within the school district.				X		X				Staff, Arts Orgs, Creatives, BVSD

City of Louisville Comprehensive Master Plan 2013	Priority	Timeline	Action Items									Partners (Add key)
				Facilities	Public Art	Special Events	Programs	Support	Art Education	Audience	Economy	
Policy CS-6.1: Local Artists	19	Short Term	Evaluate local training opportunities in "The Business of Arts" on such subjects as Audience Development, Email Marketing, Direct Marketing, Building a Business Plan, Facebook for the Arts, Volunteer Management, Grant Writing, and Fundraising.					X			X	Staff, ArtsOrgs, Chamber, Regional Arts Collaborators, Neighboring Communities
Policy CS-6.1: Local Artists; Financial Resources	20	Short Term	Promote leadership participation within regional and state arts agencies to form strong regional partnerships, art advocacy and expand programming options.			X	X			X		Creatives, Art Orgs, Staff, BVSD, Chamber of Commerce
Policy CS-6.1: Local Artists; Financial Resources	21	Short Term	Seek methods to retain and enhance current concentrations of artists, arts organization and creative industries within Louisville.	X				X			X	Staff, Business, City Council, Creatives, Arts Orgs
Policy CS-6.1: Public Art and Community Design; Financial Resources	22	Short Term	Seek additional funding sources for public art and LCC programming.		X	X	X					LCC, Staff
Policy CS-6.1: Financial Resources	23	Short Term	Develop collaborative programming with neighboring cities and throughout the County to greater leverage financial resources.	X			X	X		X		Arts Org, Creatives, Staff, LCC
Policy CS-6.1: Public Art and Community Design; Local Artists	24	Short Term	Create a system for access to the Louisville Center for the Arts for community arts organizations regardless of non-profit status.	X				X				Staff, Community, Arts Orgs
Policy CS-6.1: Facility Evaluation and Development	25	Short Term	Evaluate City-owned and private facility initiatives to determine possible public/private partnership opportunities utilizing existing inventory within the community.	X							X	Staff, Business, Community
Policy CS-6.1: Facility Evaluation and Development; Economic Vitality of the Arts; Local Artists; Financial Resources	26	Intermediate	Encourage private development of creative industries throughout Louisville and seek ways to support such industries through economic development incentives.	X							X	Staff, City Council
Policy CS-6.1: Facility Evaluation and Development; Economic Vitality of the Arts; Local Artists; Financial Resources	27	Intermediate	Develop, or facilitate the development of, accessible and affordable performance venue(s), rehearsal space/studios/visual arts spaces within various sections of the community--specifically to "activate" vacant and underutilized space with arts and cultural activities.	X			X	X	X		X	Staff, Arts Orgs, Business, Creatives, Community
Policy CS-6.1: Facility Evaluation and Development; Economic Vitality of the Arts; Local Artists; Financial Resources	28	Intermediate	Pending favorable results of a facility feasibility study, conduct statistically valid survey for community support; and research finance options.	X							X	Staff
Policy CS-6.1: Facility Evaluation and Development; Art and Culture Education; Public Art and Community Design	29	Intermediate	Support cultural opportunities which integrate arts and cultural programming into non-traditional venues (such as community centers, parks, and other open and/or public spaces) to reach new and/or hard to reach populations.	X						X		Staff, Arts Orgs, Creatives, Community
Policy CS-6.1: Economic Vitality of the Arts; Financial Resources	30	Intermediate	Apply for SCFD eligibility for the Cultural Arts Department for 2019 Grant Cycle.			X	X				X	Staff
Policy CS-6.1: Financial Resources	31	Intermediate	Research and propose a dedicated funding stream (such as a future ballot measure, independent 501(c)3 funding, a Percent for the Arts Program) as well as process for accepting donations from individuals, organizations and/or private development, to support community public art.		X					X	X	Staff, LCC
Policy CS-6.1: Art and Culture Education; Financial Resources	32	Intermediate	Develop and support collaborative advertising efforts among community arts organizations to reach all segments of the population, maximize advertising resources and help build a stronger community arts reputation.				X	X	X	X	X	Staff, Arts Orgs, DBA
Policy CS-6.1: Art and Culture Education	33	Intermediate	Research feasibility of a collaborative artist-in-residence program with public education and arts instruction as primary goals.					X		X		Staff, Arts Orgs, BVSD, Creatives
Policy CS-6.1: Economic Vitality of the Arts; Local Artists; Financial Resources	34	Intermediate	Designate a non-profit downtown cultural district in order to maximize grant opportunities and explore Colorado Creative Industries art district designation.							X	X	Staff, City Council
Policy CS-6.1: Economic Vitality of the Arts; Local Artists; Financial Resources	35	Long-Term	Research resources and funding strategies for artists, artist-oriented small businesses and creative industries (such as seed-money, grants/grant writing, donations, sponsorships, etc.).	X			X	X			X	Staff, Arts Orgs, Creatives
Policy CS-6.1: Facility Evaluation and Development; Economic Vitality of the Arts; Local Artists; Financial Resources	36	Long-Term	Develop policies and ordinances that encourage the creation of affordable artist live/work and day studio spaces.	X			X	X			X	Staff, Business, Creatives
Policy CS-6.1: Facility Evaluation and Development; Economic Vitality of the Arts; Local Artists; Financial Resources	37	Long-Term	Establish zones for the concentration and development of small-scale arts uses, such as creative businesses, artists' studios, small performing and exhibition spaces, and other cultural uses.	X			X	X	X	X	X	Staff, Business, Community
Policy CS-6.1: Art and Culture Education	38	Long-Term	Ensure availability of arts education programming to resident youth through future community arts facilities, collaborations between schools and arts groups, training and resources for teachers.	X			X	X	X	X	X	Staff, Boards and Commissions, Arts Orgs, BVSD, Creatives

SUBJECT: RANGER NATURALIST PROGRAM UPDATE

DATE: NOVEMBER 29, 2016

PRESENTED BY: KELSEY HARTER, PARKS AND RECREATION DEPARTMENT

SUMMARY:

The Ranger Naturalist position began in 2015 as a seasonal pilot program. In 2016, with support of the Open Space Advisory Board (OSAB) and City Council, the position changed to a full time appointment.

In 2016, the positions primary focus is on program development and enforcement. Program development includes: identifying which municipal code titles to enforce, learning the court's interpretation of municipal codes, determining what type of calls are appropriate to be involved in and dispatched to, identifying an equitable approach to enforcement, collaborating with the Police Department and Boulder County Communications Center regarding protocols and procedures and identifying program challenges. Enforcement includes: patrolling Parks, Golf Course, Recreation Center Campus, Open Space and trails and issuing verbal warnings, written warnings, and summons in a fair and consistent manner while also acting as ambassador for the City.

In 2017, the positions focus will start to shift from program development to increased patrolling and public outreach and continued collaboration with the Police Department and all Parks & Recreation Divisions.

FISCAL IMPACT:

None.

RECOMMENDATION:

None.

ATTACHMENT(S):

1. "Ranger Program Update" presentation

Louisville Ranger Naturalist Program Update



Tuesday, November 29, 2016

Introduction

- What I will Cover:
 - Our approach
 - Findings thus far
 - Focus for 2017
 - Time for Q & A

5 Core Values

- Public Safety
 - Resource Protection
 - Ambassador Role
 - Collaboration
 - Equity
- All Tied to Enforcement
-
- ```
graph LR; A[Public Safety] --- B((All Tied to Enforcement)); C[Resource Protection] --- B; D[Ambassador Role] --- B; E[Collaboration] --- B; F[Equity] --- B;
```

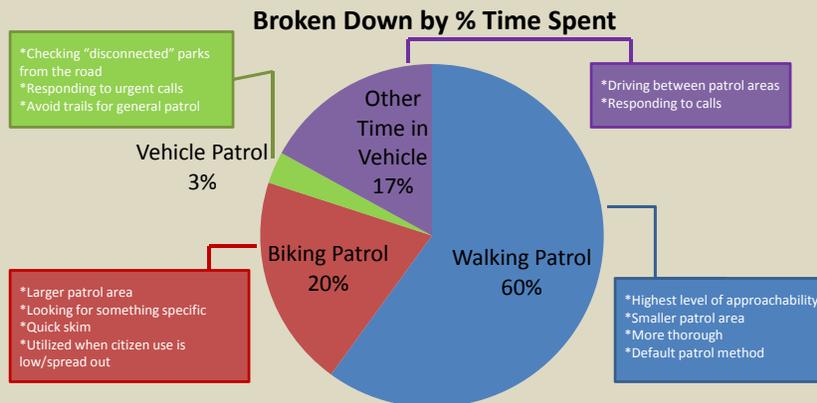
## Enforcement Strategy

- \*Ultimate Goal- Voluntary Compliance
- Discretion
  - Based on 5 core values
  - Level of hazard/damage influences discretion
  - Ultimate goal of voluntary compliance
- Enforcement Options
  - Verbal Warning
  - Written Warning
  - Issuance of a Summons

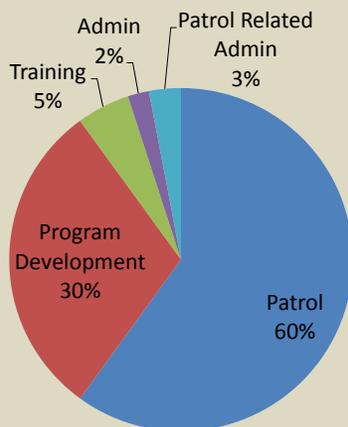
## Evolution of the Louisville Ranger Position

- Increased emphasis on enforcement
- Uniform
  - More recognizable
- Equipment
  - Will expand/contract based on needs
  - Walking and bike patrol are primary approach
  - Vehicle allows Ranger to respond to calls for service as called for
- Connection to Louisville PD/Dispatch
  - Allows for better response to citizen complaints
- Varying Schedule
  - Unpredictable
  - Covers multiple time frames

## Patrol Methods



## Job Duty Time Breakdown



July-November 2016

Tickets: 2

Written Warnings: 10

Verbal Warnings: 50

Assists: 8

Broken Down by % Time Spent

## Variable Work Schedule

- Shift Times
  - Morning Shift
    - Beginning at, or one hour before, sunrise
    - Generally 6:00 am - 4:30 pm
  - Evening Shift
    - Ending at, or one hour after, sunset
    - Generally 10:00 am - 8:30 pm
- Shift Days During Peak Season
  - Typically Wednesday- Saturday with some Sundays
- Flexibility as Needed
  - Special Events & known after hour enforcement issues

# Baseline Findings

- Ranger observations while on patrol
  - Current issues/compliance
  - Use patterns
  - Internal tracking system for Ranger contacts/calls for service



Coal Creek Trail (across from Community Park)

Joint City/County owned Trillium Open Space



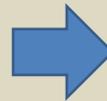
# Calls for Service

## Types of Calls

Animal Complaint  
Assist  
Code Enforcement  
Criminal Mischief  
Disturbance  
Domestic Violence  
Medical Call  
Illegal Campfire  
Fireworks Complaint  
Smoke Report  
Found Property  
Harassment  
Hazard  
Information  
Liquor Law Violation  
Littering  
Loitering  
Lost Property  
Missing Person  
Drug Violation  
Parking/Abandoned Vehicle  
Pedestrian Contact  
Reckless Endangerment  
Shots Heard  
Suspicious  
Trespassing  
Welfare Check  
Noise Complaint  
Weapon

## Most Common Call Types

Animal complaint- 32%  
Suspicious- 8%  
Medical Call- 7%  
Parking/Abandoned Vehicle- 6%  
Code Enforcement- 4%  
Criminal Mischief- 4%  
Welfare Check- 4%



12% of Calls  
Resulted in  
Enforcement  
Action

80% of  
Enforceable  
Calls Resulted  
in a Warning

60% Parking/  
Abandoned Vehicle

20% Suspicious

20% Animal Complaint

# Focus For 2017

- Continue evaluating enforcement strategy effectiveness, especially for dogs off leash, and adjust as needed
- Remedy current issues
  - Addressing/mapping for Open Space, Parks, and Golf Course properties
  - Municipal Code gaps
  - Improve collaboration- clarify lines of communication

## Focus for 2017 (Continued)

- Complete Ranger Policy Manual 2016- clear guidelines moving forward for 2017
- Expand education opportunities- Walks with the Mayor, Jr Ranger program, compliance campaigns

## Questions?



**SUBJECT: DISCUSSION – NOISE REGULATIONS**

**DATE: NOVEMBER 29, 2016**

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK**

**SUMMARY:**

City Council discussed noise regulations in October 2015 and January 2016 in relation to special events and permitting. At that time, staff proposed possible changes to noise regulations that would create Amplified Sound/Live Music restrictions based on decibel (dBA) levels, time of day, and zoning as follows:

*Maximum decibel (dBA) levels to be*

| <b>Zoning District or Property</b> | <b>Time Restrictions</b>  | <b>Maximum Allowable Decibels Permitted</b> |
|------------------------------------|---------------------------|---------------------------------------------|
| Residential                        | 7 AM – 9 PM               | 55 dBA                                      |
|                                    | 9 PM – 7 AM               | 50 dBA                                      |
| Commercial                         | 7 AM – 10 PM              | 65 dBA                                      |
|                                    | 10 PM – 7 AM              | 60 dBA                                      |
| Industrial                         | 7 AM – 10 PM              | 75 dBA                                      |
|                                    | 10 PM – 7 AM              | 70 dBA                                      |
| Community Park                     | 7 AM – 9 PM               | 55 dBA                                      |
|                                    | 9 PM – 7 AM               | 50 dBA                                      |
|                                    | 4 PM Sunday – 7 AM Monday | 50 dBA & no amplified sound permitted       |

Exemptions to the levels and times may be granted through a Special Event Permit or Park Rental Permit on the condition that sound may not exceed a level of 80 dBA when measured from the nearest residential property line. *This should allow for the Street Faire, the Labor Day Parade, and Concerts in the Park to continue as they currently do.*

This proposal would remove the current requirement for a Live Music Permit and replace it with new decibel levels for Amplified Sound/Live Music. These rules would apply to any activity including private events and block parties.

Staff is not recommending replacing existing regulations on construction noise or disturbing the peace (without live music/amplified sound).

The Police Department would enforce these rules by using decibel meters.

This is an initial idea based on noise from special events; it is not designed to address vehicle noise, construction noise, or lawn maintenance equipment noise. If Council wants to address those issues, an ordinance with a larger scope will be necessary. This is an outline. The City Attorney's office would still need to write a full ordinance.

***The City's current noise regulations are as follows:***

*Sec. 9.34.010. - Disturbance of the peace.*

A. It is unlawful for any person to disturb or tend to disturb the peace and quiet of others by violent, tumultuous, offensive or obstreperous conduct or loud or unusual noises.

B. The following acts are declared to be loud, disturbing or unnecessary noises in violation of this section, but shall not be deemed to be exclusive or limiting:

1. The using, operating or permitting to be played, used or operated, any radio receiving set, *musical* instrument, phonograph, or other device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons in the structure or vehicle in which the device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 12:00 midnight and 6:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the structure or vehicle in which it is located is prima facie evidence of a violation of this section.

2. Yelling, shouting, hooting, whistling or singing, particularly between the hours of 12:00 midnight to 6:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.

*Sec. 9.34.040. - Operation of construction equipment.*

A. Each building permit issued on or after March 21, 1994, shall contain a provision prohibiting the permittee from operating or allowing the operation, outside of an enclosed structure, of any construction equipment for the permitted work between the hour of 8:00 p.m. and, on weekdays, the hour of 7:00 a.m. or, on legal holidays and weekends, the hour of 8:00 a.m., except as provided in subsection B of this section.

B. The planning director may, upon written application, alter the hours of operation as described in subsection A of this section or eliminate the prohibition for good cause . . .

*Sec. 9.40.020. – Live Music Permit required.*

A. It is unlawful for any person to allow or permit a musical group to perform upon property he owns or occupies in an area zoned as residential rural, residential estate, residential low density, residential medium density or residential high density as defined

and designated by [title 17](#) of this Code unless the owner or occupant of the property has previously obtained a permit for a *live* musical performance as set forth in this chapter.

B. It is unlawful for any person to perform as a part of a musical group upon any property in an area zoned as residential rural, residential estate, residential low density, residential medium density, or residential high density as defined and designated by [title 17](#) of this Code unless the owner or occupant of the property has previously obtained a permit for a *live* musical performance as set forth in this chapter.

C. The provisions and restrictions of this section shall not apply to any private club or business establishment which is duly licensed by the city as of October 1, 1981, and which is located in any residentially zoned area as defined in [title 17](#) of this Code.

**FISCAL IMPACT:**

The Police Department does not currently have sound meters. Meters meeting judicial evidentiary standards are available for about \$250. The costs of training and operator certifications, if needed, are unknown. If City Council adopts decibel based noise abatement ordinances, meters and training will be necessary. Training and certification should include all police and code enforcement officers.

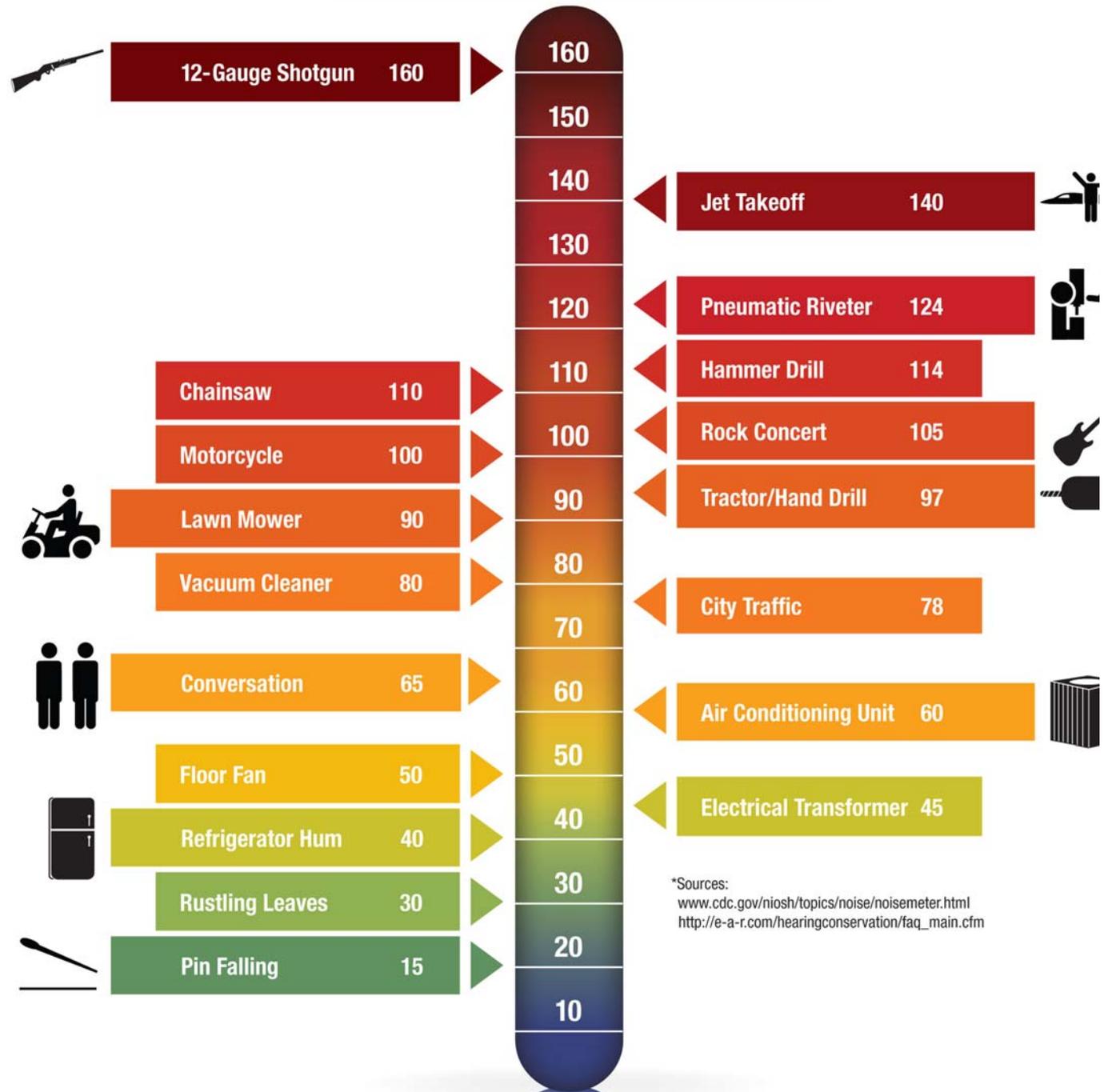
**RECOMMENDATION:**

Discussion

**ATTACHMENT(S):**

1. Decibel level comparison chart.
2. City of Boulder Municipal Code Language Regarding Noise
3. City of Lafayette Municipal Code Language Regarding Noise

# Decibel Scale (dBA)\*



\*Sources:  
[www.cdc.gov/niosh/topics/noise/noisemeter.html](http://www.cdc.gov/niosh/topics/noise/noisemeter.html)  
[http://e-a-r.com/hearingconservation/faq\\_main.cfm](http://e-a-r.com/hearingconservation/faq_main.cfm)

# CITY OF BOULDER

- **Chapter 9 - Noise**<sup>[28]</sup>

- **5-9-1. - Legislative Intent.**

The purpose of this chapter is to protect the public health, safety and welfare by defining those noises and sounds which by their volume or other physical characteristics, and, depending on their time, place and manner, disturb people of normal sensitivity, and to regulate such noises and sounds to the extent that can be done without detrimentally affecting necessary residential, commercial and governmental activities. <sup>[29]</sup> It is not the intention of the council to differentiate on the basis of the content, if there be any, of the prohibited sounds. However, in certain instances the council finds that there is a compelling governmental interest in making an exception for the loudness of certain sounds, such as warnings of imminent hazard.

- **5-9-2. - Definitions.**

As used in this chapter, the following words are defined to mean:

*Commercial district or commercial zone or commercial* means any area zoned A, BCS, BMS, BC, MU, P, BT, BR or DT.

*Group living arrangement* means those group residencies in which the individual or family lives in a room or rooms of their own, but which contains common dining facilities and where decisions concerning the use of common areas for social events are shared among the individual residents. These include, without limitation, cooperative housing units, congregate or residential care facilities, rooming houses, dormitories, fraternities and sororities, as those terms are used in title 9, "Land Use Code," B.R.C. 1981. These exclude buildings where people only reside temporarily such as hotels, motels or bed and breakfasts and buildings where each person resides in and controls a complete dwelling unit, including, without limitation, duplexes, triplexes, fourplexes, apartment buildings and condominiums.

*Industrial district or industrial zone or industrial* means any area zoned IG, IM, IS, or IMS.

*Light construction work* means work which uses only hand tools and power tools of no more than five horsepower, but not including power actuated fastening devices (e.g., nail guns).

*Residential district or residential zone or residential* means any area zoned RE, RH-1, RH-2, RH-3, RH-4, RH-5, RL, MH, RM, RMX, RR-1, or RR-2.

*Zoned* means classified into one of the zoning districts specified in [Section 9-5-2](#), "Zoning Districts," B.R.C. 1981, as shown on the zoning map adopted by [Section 9-5-3](#), "Zoning Map," B.R.C. 1981. Each district includes all areas zoned under the same prefix (i.e., RL includes RL-1 and RL-2). If new districts are established without amendment to this section, it is intended that the new district be governed under this chapter as if in the existing district which it most closely resembles, and if it could as easily be in one category or another, that it be in the category with the lower allowable decibel levels.

Ordinance No. 7522 (2007)

• **5-9-3. - Exceeding Decibel Sound Levels Prohibited.**

(a) No person shall:

- (1) Operate any type of vehicle, machine, or device;
- (2) Carry on any activity; or
- (3) Promote or facilitate the carrying on of any activity, which makes sound in excess of the level specified in this section.

(b) Sound from any source, other than a moving vehicular source located within the public right of way, shall not exceed any of the following limits for its appropriate zone:

(1) The sound limits prescribed by this section are set forth in the following table for the zoning district within the following use classifications in [Section 9-5-2](#), "Zoning Districts," B.R.C. 1981:

| Zoning District of the Property on Which the Sound is Received | Maximum Number of Decibels Permitted from 7 a.m. until 11 p.m. of the Same Day | Maximum Number of Decibels Permitted from 11 p.m. until 7 a.m. of the Following Day |
|----------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Residential                                                    | <u>55</u> dBA                                                                  | 50 dBA                                                                              |
| Mixed use and other                                            | <u>65</u> dBA                                                                  | <u>60</u> dBA                                                                       |
| Industrial                                                     | <u>80</u> dBA                                                                  | 75 dBA                                                                              |

(2) Sound from construction work for which a building permit has been issued:

- (A) During the hours of 7 a.m. to 5 p.m., sound for work of any type shall be deemed received in an industrial zoning district;
- (B) During the hours of 5 p.m. until 9 p.m., sound from light construction work received in a residential zone shall be deemed received in a commercial zoning district; and

(C) Under no circumstances shall amplified sound be considered as construction work activity.

(3) Sound from a source regulated by this subsection:

(A) Sound from a source on private property shall be measured at or inside the property line of property other than that on which the sound source is located;

(B) Sound from a source on public property may be measured on that receiving property so long as the measurement is taken at least twenty-five feet from the source, or it may be measured at or inside the property line of receiving property other than the public property on which the sound source is located;

(C) For the purposes of this paragraph, a leasehold shall be deemed a property of the lessee, and its boundary, other than a boundary with adjacent property owned by the lessee, shall be deemed a property line.

(c) All sound measurements shall be made on a sound level meter that meets ANSI specification S1.4-1974 for Type I or Type II equipment. The manufacturer's published indication of compliance with such specifications is prima facie evidence of compliance with this subsection.

(d) It shall be a defense to a charge of violating this section that:

(1) The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by law or acting in time of emergency or by an emergency warning device operated by a government;

(2) The sound was 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;

(3) The sound was made within the terms of a fireworks display or temporary street closure permit issued by the city manager, or was made by the rendering of military honors at a funeral by a military funeral honors detail;

(4) The sound was made by an animal; <sup>(30)</sup>

(5) The sound was made within the terms and conditions of a sound level variance granted by the city manager;

(6) The sound was made on property belonging to or leased or managed by a federal, 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;

(7) The sound was made by a police alarm device, if the police alarm shuts off automatically after no longer than ten minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes;

(8) The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow; or

(9) The sound was made between the hours of 7 a.m. and 9 p.m. by a lawn mower or gardening equipment equipped with a standard muffling system in good repair.

(e) This section shall not be construed to conflict with the right of any person to maintain an action in equity to abate a **noise** nuisance under the laws of the state.

Ordinance Nos. 7522 (2007); 7831 (2012); 7965 (2014)

- **5-9-4. - Exceeding Decibel Sound Levels From a Motor Vehicle Prohibited.**

(a) Sound from a motor vehicle located within the public right of way shall not exceed eighty decibels on the "A" weighting scale (dBA), except that sound from a vehicle with a manufacturer's gross weight rating of ten thousand pounds and above may exceed eighty dBA but shall not exceed eighty-eight dBA. Such sound shall be measured at a distance of at least twenty-five feet from a vehicle located within the public right of way.

(b) Such sound measurements shall be made on a sound level meter that meets the requirements of Subsection [5-9-3\(c\)](#), B.R.C. 1981.

(c) It shall be an affirmative defense to a charge of violating this section that:

(1) The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by law or acting in time of emergency or by an emergency warning device operated by a government;

(2) The sound was 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;

(3) The sound was made within the terms and conditions of a sound level variance granted by the city manager;

(4) The sound was made by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes; or

(5) The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow.

Ordinance Nos. 7831 (2012); 7965 (2014)

- **5-9-5. - Disrupting Quiet Enjoyment of Home.**

(a) No person shall engage in, or be responsible for, a course of conduct which is so loud that it materially interferes with or disrupts another individual in the conduct of activities at such individual's home.

(b) The following standards and definitions shall be used in the application of this section:

(1) The person engaging in such conduct must be at a location other than the complainant's home.

(2) *Home* includes the physical residence as well as the outside premises.

(3) *Another individual* includes all members of the household as well as others rightfully in the residence or on the premises.

(4) No person shall be convicted of a violation of this section unless that person has been warned that conduct violating this section is occurring or has recently occurred and, following such warning, the conduct is repeated or continued.

(A) No additional warning need be issued as a precondition to enforcement of this provision if similar conduct occurred within the previous ninety days and if a warning was communicated to an individual regarding his or her role in that past conduct.

(B) A prior warning shall be sufficient with respect to each of the residents of an individual dwelling unit at which a prior **noise** incident occurred (including any resident in a group living arrangement), if, after a personal communication was made to a person who engaged in conduct subject to the provisions of this section, the city manager caused a warning letter to be sent by first class mail addressed to "residents" of the dwelling unit in which the person who received the prior warning resided at the time of the issuance of the prior warning and at which the prior **noise** incident occurred. If a warning was attempted but could not be personally communicated because no one would answer the door or the person engaged in the conduct could not be identified, a warning letter under this subparagraph shall be sufficient.

(C)

No warning under this paragraph is required if the conduct would violate Subsection [5-9-6\(b\)](#), B.R.C. 1981, concerning unreasonable unamplified sound, and it originated on private property.

(5) If conduct violative of this section:

(A) Originates upon private property;

(B) The owner or some other person with authority to control that property is present at the time that such occurs; and

(C) The owner or authorized person has received a communication requesting cessation or reduction in the level;

then the owner or authorized person is also responsible for the repeated or continued conduct under this section, even though not directly engaged in the conduct.

(6) Whether or not **noise** is "so loud that it materially interferes with or disrupts" shall be measured against the objective standard of a reasonable person of normal sensitivity.

(7) It shall be an affirmative defense to a charge of violating this section that:

(A) The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by law or acting in time of emergency or by an emergency warning device operated by a government;

(B) The sound was 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;

(C) The sound was made within the terms of a parade, fireworks display, or temporary street closure permit issued by the city manager, or was made by the rendering of military honors at a funeral by a military funeral honors detail;

(D) The sound was made by an animal; <sup>[31]</sup>

(E) The sound was made on property belonging to or leased or managed by a federal, 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;

(F)The sound was made by a police alarm device, if the police alarm shuts off automatically after no longer than ten minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes;

(G)The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow;

(H)The sound was made between the hours of 7 a.m. and 9 p.m. by a lawn mower or gardening equipment equipped with a standard muffling system in good repair; or

(I)The loud conduct consisted solely of natural speech or communication by or between people, unless such conduct was used as a guise materially to interfere with or disrupt another individual in the conduct of activities at the individual's home and that was the result.

(8)It is not a defense to a charge of violation of this section that the sound levels complied with the requirements of [Section 5-9-3](#), "Exceeding Decibel Sound Levels Prohibited," B.R.C. 1981.

Ordinance Nos. 7831 (2012); 7965 (2014)

- **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)Amplified Sound: 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)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)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.

(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.

(4)Each owner, manager, or person in control of an activity or event in or on the premises 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.

(5)It shall be an affirmative defense to a charge of violating this subsection that:

- (A)The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in time of emergency or by an emergency warning device operated by a government;
- (B)The sound was 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;
- (C)The sound was made within the terms of a parade or temporary street closure permit issued by the city manager;
- (D)The sound was made on property belonging to or leased or managed by a federal, 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;
- (E)The sound was made by a police alarm device if the police alarm shuts off automatically after no longer than ten minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes;
- (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
- (G)For a charge of violation based on Paragraph (a)(4) of this section, the sound was made by a trespasser.

(b)Unreasonable Unamplified Sound:

- (1)While on public property within a residential district, no person shall yell, scream, shout, cheer, sing, or otherwise make **noise** with the human voice louder than that which is reasonably necessary for normal conversational speech.
- (2)It shall be an affirmative defense to a charge of violating this subsection that the sound 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 assistance in dealing with an accident.

(c)Trash Pickup: 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 trash truck shall be prima facie evidence that the trash truck was owned by or was under the control of the employer so identified.

Ordinance Nos. 7831 (2012); 7965 (2014)

- **5-9-7. - Unreasonable **Noise** Prohibited Between the Hours of 9 P.M. Through 7 A.M. - Lawn Mowers, Leaf Blowers, and Construction.**

Between the hours of 9 p.m. through 7 a.m., no person shall:

- (a) Lawn Mowers and Leaf Blowers: Operate any lawn mower, leaf blower, or other power lawn or gardening tool on any private property within, or within one hundred feet of the boundary of, any residential district.
- (b) Construction in a Residential Zone: In a residential zone, use power tools which are audible off the property upon which they are being used as part of construction work for which a building permit has been issued or is required for the work.

Ordinance Nos. 7831 (2012); 7965 (2014)

- **5-9-8. - Unreasonable Noise Prohibited at Any Time - Motor Vehicle Amplified Sound.**

(a) No person shall operate any electronic amplifier in or attached to any motor vehicle so that the sound is audible at a distance of twenty-five feet or more from the motor vehicle, or which emits vibrations which can be felt by persons outside of that vehicle. This prohibition does not apply to sound made on private property with the permission of the property owner and not audible or palpable beyond the property line.

(b) It shall be an affirmative defense to a charge of violating this section that:

- (1) The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in time of emergency or by an emergency warning device operated by a government;
- (2) The sound was 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;
- (3) The sound was made within the terms of a parade or temporary street closure permit issued by the city manager; or
- (4) The sound was made by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes.

Ordinance Nos. 7831 (2012); 7965 (2014)

- **5-9-9. - Certain Musical Instruments Prohibited on the Mall Between 12 Midnight and 7 A.M.**

No person shall play any percussive or amplified musical instrument on the mall between the hours of 12 midnight and 7 a.m.

Ordinance Nos. 7831 (2012); 7965 (2014)

- **5-9-10. - Sound Variances.**

(a)Decibel Variance: A variance shall be granted for the decibel limits of [Section 5-9-3](#), "Exceeding Decibel Sound Levels Prohibited," or [5-9-4](#), "Exceeding Decibel Sound Levels From a Motor Vehicle Prohibited," B.R.C. 1981, after application is made if the city manager finds that compliance will cause an undue hardship and further finds that:

- (1)Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this section; or
- (2)The activity, operation, or sound source will be of temporary duration, and even with the application of the best available control technology cannot be done in a manner that would comply with this section.

In either case, the manager must also find that no reasonable alternative is available to the applicant. If the manager grants a variance, the manager shall prescribe such reasonable conditions or requirements as are necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(b)Trash Variance: Trash haulers may apply to the city manager for a variance of the provisions of Subsection [5-9-6\(c\)](#), B.R.C. 1981, for locations within a commercial district. Possession of a valid variance shall be a specific defense to any charge under Subsection [5-9-6\(c\)](#), B.R.C. 1981, if the act complained of was within the variance granted. The manager may grant all or a part of any requested variance, and may place such conditions upon any variance granted as are reasonably suited to limit the harmful effects of the variance. Such variances shall be granted only if the applicant can demonstrate to the manager's satisfaction:

- (1)That the location in question is sufficiently removed from any residential use that the **noise** of trash removal will not disturb anyone in their residence, including, without limitation, hotel and motel accommodations; or
- (2)That the location cannot feasibly be serviced during permitted hours, and that the variance is the least necessary to permit trash removal while still assuring nearby residents reasonable nocturnal quiet.

## CITY OF LAFAYETTE

- **Sec. 75-280. - Definitions.**

For the purpose of this article, the following words and phrases used herein are defined as follows:

*Amplified outdoor music* means the use of musical instruments or sound equipment to produce or amplify sound that is not fully enclosed by permanent, solid walls, and a roof.

*Chief of police* means the chief of the city's police department or the chief's authorized designee.

*Community development director* means the city's community development director or the director's authorized designee.

*Construction activities* means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereof, including land clearing, grading, excavating and filling.

*Domestic power equipment* means any power equipment, rated five (5) horsepower or less, used in home or building repair or grounds maintenance, including, but not limited to, lawn mowers, garden tools, snow blowers and chain saws.

*Muffler* means an apparatus consisting of a series of chambers or baffle plates designated for the purpose of transmitting gases while reducing sound emanating from such apparatus.

*Plainly audible* means any sound which can clearly be heard, by unimpaired auditory senses on a direct line of sight from fifty (50) or more feet; however, words or phrases need not be clearly discernable but such sound shall include bass reverberation.

*Public works director* means the city's public works director or the director's authorized designee.

*Sound equipment* means a loudspeaker, public address system, amplification system, or other sound producing device.

*Sound level* means the A-weighted sound level in decibels (dBA).

*Sound level meter* means an instrument used to measure sound pressure levels conforming to standards as specified in American National Standards Institute (S.I. 4-1983), as same may be amended from time to time.

*Unreasonable noise* means any sound of such level, intensity or duration as may or tends to be injurious to human health or welfare, or that unreasonably interferes with the enjoyment of life or property, or causes damage to any property, but excludes all aspects of the employer-employee relationship; concerning health and safety hazards within the confines of a place of employment.

*Vehicle* means any machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and includes, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon.

(Ord. No. 2014-13, § 1(75-159), 5-6-14)

- **Sec. 75-281. - Noise prohibited.**

(a) It shall be unlawful for any person to make, cause to be made, or to permit any unreasonable noise upon any property within a residential, public or developing resource district or for any district within any vehicle owned, possessed or operated or controlled by such person.

(b) Law enforcement personnel, including community service officers, may, in the determination of whether a noise is unreasonable consider factors that include, but are not limited to:

- (1) The time of day;
- (2) The size of any gathering of persons creating or contributing to the noise;
- (3) The presence or absence of sound amplification equipment; and
- (4) Any other factors tending to show the magnitude and/or disruptive effect of the noise.

(c) With regard to vehicles, the determination of unreasonable noise, in addition to the previously stated factors shall include, but not be limited to:

- (1) The continuous or repeated sounding of any horn, alarm or signal device of a vehicle, except where an actual emergency or danger exists. For the purposes of this subsection, "continuous" shall mean continuing for an unnecessary or unreasonable period of time.
- (2) The operation of any vehicle in a manner which causes unreasonable noise as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

(d) It shall be unlawful for any person to make, cause or permit any noise as measured in the manner described herein, from any source, at a level in excess of the dBA established for the time period and zoning districts set forth herein.

|                                   |                                              |               |
|-----------------------------------|----------------------------------------------|---------------|
| Commercial and Business Districts | 7:00 a.m.—10:00 p.m.<br>10:00 p.m.—7:00 a.m. | 70<br>65      |
| Industrial Districts              | 7:00 a.m.—10:00 p.m.<br>10:00 p.m.—7:00 a.m. | 75<br>70      |
| Zoning Districts                  | Time Period                                  | Max dBA Level |

(1) If the noise source is located on private property, or public property other than public right-of-way, the noise shall be measured at the property boundary of any property receiving the noise.

(2) If the noise source is located within the public right of way, the noise shall be measured at least twenty-five (25) feet from the noise source.

(3) No outdoor measurement shall be taken without a commercial wind screen, or during periods when wind speeds, including gusts, exceed fifteen (15) miles per hour.

(4) The measurement time period shall not be less than five (5) minutes in length, and highest dBA reading measured for a majority of this time shall be deemed the official measurement.

(5) Outdoor amplified music in commercial, business or industrial districts shall be exempt from the time and dBA requirements of this section but are subject to the requirements set forth herein in [section 75-284](#).

(Ord. No. 2014-13, § 1(75-160), 5-6-14)

- **Sec. 75-282. - Conditions/exceptions.**

(a) The prohibitions set forth in [section 75-281](#)(a), (c) and (d) shall not apply to sound from or subject to the following conditions:

(1) Any bell or chime from any building clock, school or church operated between the hours of 7:00 a.m. and 10:00 p.m. and not continuing for more than five (5) minutes.

(2) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm system used in case of fire, collision, civil defense, police activity or other imminent danger; provided, however, that burglar alarms not terminated within fifteen (15) minutes after being activated shall not be excepted.

(3) City authorized events, including, but not limited to, parades, festivals, community activities and fireworks displays.

(4) Any domestic power equipment operated between 7:00 a.m. and 10:00 p.m.

(5) Noise from commercial construction activities between 7:00 a.m., and 7:00 p.m., Monday through Saturday. The public works director, upon consultation with the community development director and chief of police, may grant an exception to the time restrictions herein upon receipt and review of a written request when the public works director determines such exception is necessary for the public welfare, and/or denial would cause an undue hardship upon the applicant. Any exception must be in writing, shall not violate any restrictions of an approved planned unit development (PUD), and shall be subject to all terms and conditions deemed reasonably necessary by the public works director.

(6) Activities directly related to the abatement of an emergency.

(7) Loading, unloading, opening or otherwise handling boxes, crates, containers, trash or recycle materials, or other objects or goods between the hours of 6:00 a.m. to 9:00 p.m.

(8) Noise generated from open space, golf course and park maintenance activities or operations.

(9) Noise generated from agricultural activities or operations on property owned by the city.

(10) School activities.

(11) Noise generated from snowblowers, snowplows, or snow removal equipment for the purpose of snow removal.

(b) As a means to mitigate noise generated by the activities set forth herein in subsections (a)(8) and (9), the city administrator, for improvements within his or her purchasing authority, or city council, for improvements in excess of the city administrator's purchasing authority, may authorize construction or installation of sound mitigation improvements on city property without regard to zoning restrictions set forth in [chapter 26](#) of the Code.

(Ord. No. 2014-13, § 1(75-161), 5-6-14; Ord. No. 2014-24, § 1, 1-6-15)

- **Sec. 75-283. - Specific prohibitions.**

(a) It shall be unlawful for any person to make, cause or permit the following, all of which shall be deemed unreasonable noise; however, the following list shall not be deemed exclusive:

(1) The operation of any vehicle with an engine compression brake device (jake brake) which is not properly muffled.

(2) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, vehicle or other power device, which is not at all times equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device.

(3) To play, use or permit the operation of any device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons in the structure or vehicle in which the device is operated or in such manner as to be plainly audible from the structure or vehicle.

(Ord. No. 2014-13, § 1(75-162), 5-6-14)

- **Sec. 75-284. - Amplified outdoor music restrictions.**

(a) It shall be unlawful for any person to make, cause to be made, or to permit amplified outdoor music upon any premises possessed or controlled by such person where such music occurs:

(1) Between the hours of 9:30 p.m., through 10:00 a.m., of the next day, except that on Friday and Saturday nights music is permitted until 10:30 p.m.; or

(2) Where any amplified outdoor music as measured in accordance with subsection [75-281\(d\)](#) herein exceeds 82 dBA.

(3) City authorized events, including, but not limited to, parades, festivals, community activities and fireworks displays which include amplified outdoor music shall be exempt from the restrictions set forth in this section.

(Ord. No. 2014-13, § 1(75-163), 5-6-14)