

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 26-0693.01 Clare Haffner x6137

SENATE BILL 26-098

SENATE SPONSORSHIP

Liston and Ball,

HOUSE SPONSORSHIP

Brooks and Lindsay,

Senate Committees

Local Government & Housing

House Committees

A BILL FOR AN ACT

101 CONCERNING THE APPLICABILITY OF CERTAIN NOISE ABATEMENT
102 PROVISIONS, AND, IN CONNECTION THEREWITH,
103 REESTABLISHING LOCAL AUTHORITY WITH RESPECT TO NOISE
104 ABATEMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, there are statewide standards for noise level limits for various time periods and areas, and noise in excess of those limits is a public nuisance. The statewide noise level limits do not apply

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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to the use of property for certain purposes.

The bill states that the statewide noise level limits also do not apply to the following:

- The use of property owned or controlled by the state or a political subdivision of the state;
- The use of property pursuant to a permit or license that addresses sound emitted and that is issued by a local government; and
- The use of property owned or controlled by a nonprofit entity for a cultural, entertainment, athletic, or patriotic event.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-12-103, **amend**
3 (11) as follows:

4 **25-12-103. Maximum permissible noise levels.**

5 (11) (a) ~~This article is not applicable to the use of property by this~~
6 ~~state, any political subdivision of this state, or any other entity not~~
7 ~~organized for profit, including, but not limited to, nonprofit corporations,~~
8 ~~or any of their lessees, licensees, or permittees, for the purpose of~~
9 ~~promoting, producing, or holding cultural, entertainment, athletic, or~~
10 ~~patriotic events, including, but not limited to, concerts, music festivals,~~
11 ~~and fireworks displays. This subsection (11) shall not be construed to~~
12 ~~preempt or limit the authority of any political subdivision having~~
13 ~~jurisdiction to regulate noise abatement.~~ THIS ARTICLE 12 DOES NOT
14 APPLY TO:

15 (I) THE USE OF PROPERTY THAT IS OWNED OR CONTROLLED BY THE
16 STATE OR A POLITICAL SUBDIVISION OF THE STATE;

17 (II) THE USE OF PROPERTY PURSUANT TO A PERMIT OR LICENSE
18 ISSUED BY A LOCAL GOVERNMENT THAT ADDRESSES SOUND EMITTED,
19 INCLUDING SOUND LEVELS AND HOURS, FROM THE PROPERTY, WHICH

1 PERMIT OR LICENSE MAY BE MORE OR LESS RESTRICTIVE THAN THIS
2 ARTICLE 12; OR

3 (III) THE USE OF PROPERTY THAT IS OWNED OR CONTROLLED BY A
4 NONPROFIT ENTITY FOR A CULTURAL, ENTERTAINMENT, ATHLETIC, OR
5 PATRIOTIC EVENT, SUCH AS A CONCERT, MUSIC FESTIVAL, OR FIREWORKS
6 DISPLAY, INCLUDING THE USE OF THE PROPERTY BY A LESSEE OF THE
7 NONPROFIT ENTITY OR BY A PERSON WITH WRITTEN PERMISSION FROM THE
8 NONPROFIT ENTITY.

9 (b) THIS SUBSECTION (11) DOES NOT PREEMPT OR LIMIT THE
10 AUTHORITY OF A POLITICAL SUBDIVISION HAVING JURISDICTION TO
11 REGULATE NOISE ABATEMENT.

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-12-108 as
13 follows:

14 **25-12-108. Preemption.**

15 Except as provided in sections 25-12-103 ~~(12)~~ (11) AND (12) and
16 25-12-110, this ~~article shall not be construed to~~ ARTICLE 12 DOES NOT
17 preempt or limit the authority of ~~any~~ A municipality or county to adopt
18 standards that are no less restrictive than ~~the provisions of this article~~ THIS
19 ARTICLE 12.

20 **SECTION 3. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.