



Legislation Text

File #: Ordinance 17-2021, **Version:** 2

Agenda Date: 10/12/2021

Subject:

Ordinance 17-2021: An ordinance on second reading amending the Noise Control Ordinance, Title 7, Chapter 3, Sections 3 and 6 of the Littleton City Code, pertaining to standards and maximum permissible continuous sound pressure levels in the Main Street Historic District

Prepared by: Rebecca Thompson, Code Enforcement Manager

PURPOSE:

To adopt a noise ordinance specific to the Main Street Historic District.

PRESENTATIONS:

Staff Presenter(s): Jennifer Henninger, Community Development
Director

Reid Betzing, City Attorney

Additional Presenter(s): N/A

SUMMARY:

Downtown Littleton contains a mix of residential and commercial uses, each having their own allowable noise decibel limits per the City Code. This causes confusion as to which decibel level applies, residential or commercial. During Weekends on Main in 2020, there were several complaints from residents regarding noise coming from different restaurants along Main Street. The approved temporary ordinance attempted to reduce the confusion by defining the Main Street Historic District and increasing the allowable decibel levels to 80 decibels during specific days and times.

PRIOR ACTIONS OR DISCUSSIONS:

Ordinance 03-2021 was adopted in March 2021 and council requested additional monitoring through the summer until the end of the Weekends on Main season in late October. On August 10, 2021, city council held a study session on the findings of the monitoring. At the study session, staff recommended that City Council make the noise ordinance for the Main Street Historic District permanent with modifications to the days and hours set forth in the temporary ordinance. Staff recommended Thursdays be removed from the days allowing increased decibel levels. City council directed staff to make the modification.

This ordinance passed on first reading on September 7, 2021.

ANALYSIS:

Staff Analysis

Ambient noise readings from traffic traveling along Main Street were taken prior to its closure for Weekends on Main and the highest recorded decibel level was 83.4. During the decibel monitoring period, from April 2021

to July 2021 city staff conducted noise readings at eleven (11) predetermined locations on Main Street. There were a total of 129 readings with 11 of the readings exceeding the 80-decibel limit; the highest reading of 90.1 decibels was recorded 30 feet from a band that was set up on Main Street. A reading of 90 decibels is comparable to being in close proximity to a lawn mower. No complaints were received during the time of these higher decibel readings, suggesting that the sound on Main Street most likely did not affect the residential areas of downtown.

When noise readings exceeded the 80-decibel limit, the noise became problematic. For example, customers were not able to converse comfortably with one another and the noise spilled over to other outdoor seating areas including the residential areas.

Although there were no complaints received during the Weekends on Main festivities, four complaints were filed over a two-week period against one business that played loud music after midnight on consecutive days - Thursday, Friday, and Saturday. The issues voiced by the complainants were the late hour, after 10 p.m. and Thursday evening being the eve of a workday. The noise in question was coming from the north side of the building adjacent to residential properties.

Public Outreach

In late April 2021, the City reached out to Historic Downtown Littleton Merchants (HDLM), Littleton Business Chamber (LBC), and Paul Bingham's community network to help inform the community of the Temporary Noise Ordinance. A brief news release along with a map of the boundaries of where the noise ordinance regulations applied, was shared via these organizations' newsletters, as well as neighborhood email lists. In addition, on May 5, 2021, prior to the launch of the 2021 season of Weekends on Main, the new release was shared with the merchants to make them aware of the importance of adhering to the temporary noise ordinance. Also, there were conversations with the merchants throughout the summer reminding them of the details for this ordinance and soliciting feedback on noise downtown. Merchants have not raised any concerns regarding times of decibel levels and they feel the temporary ordinance has been adequate for their purposes in relation to on-site hired entertainment. Articles about the amended noise ordinance were included in the March 4, 2021 and August 19, 2021 Littleton Report Online newsletters and an article was included in the printed June/July 2021 Littleton Report. An article is also included in the Oct/Nov edition of the Littleton Report publicizing this public hearing.

After city council's study session in early August where staff was provided direction to make the temporary ordinance permanent, a brief news release was shared via the above-mentioned newsletters. Staff did receive an email regarding concern over prohibiting live music-which the ordinance does not do. Only decibel levels are outlined in the ordinance.

Council Goal, Objective, and/or Guiding Principle

Goal 4: Downtown

Goal 8: Good Governance, Objective 1: Code Compliance

Fiscal Impacts

N/A

Alternatives

Council may deny the proposed ordinance. Denial would allow the current temporary noise ordinance to sunset on November 1 as scheduled, in which case maximum permissible continuous sound pressure levels will revert to the pre-temporary ordinance table, which created confusion.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance adoption with the following amendment: Allow the higher decibels (80) levels on Friday and Saturday only, remove Thursday.

PROPOSED MOTION:

I move to approve Ordinance 17-2021 amending the Noise Control Ordinance, Title 7, Chapter 3, Sections 3 and 6 of the Littleton City Code, pertaining to standards and maximum permissible continuous sound pressure levels in the Main Street Historic District.