



PERMIT APPLICATION FOR OUTDOORS USE OF SOUND AMPLIFICATION SYSTEM

1. NAME OF APPLICANT: _____

2. REPRESENTING BUSINESS/ORGANIZATION : _____

ADDRESS AND/OR MAILING ADDRESS:

3. ADDRESS OF PREMISE OR LOCATION WHERE SOUND IS TO BE PRODUCED: _____

4. TELEPHONE NUMBER: _____

5. EMAIL ADDRESS: _____

6. PURPOSE FOR OUTDOOR USE OF SOUND AMPLIFICATION SYSTEM: _____

DATE/S OF PROPOSED USE: _____

TIME/S OF PROPOSED USE: _____

7. ATTACH A MAP OR DIAGRAM DEPICTING THE PROPOSED LOCATION OF SOUND AMPLIFICATION EQUIPMENT, DIRECTION OF SOUND PROJECTION AND POTENTIAL SOUND PROJECTION DISTANCE.

8. DESCRIPTION OF SOUND AMPLIFYING EQUIPMENT: _____

SIGNATURE OF APPLICANT

DATE

THE PERMIT APPLICATION IS APPROVED BY THE TOWN OF AVON AS NOTED BY THE SIGNATURES BELOW. THE APPLICANT MUST COMPLY WITH CHAPTER 5.24 OF THE AVON MUNICIPAL CODE AS OUTLINED ON THE BACK OF THIS APPLICATION.

TOWN CLERK

DATE

DIRECTOR OF FESTIVALS & SPECIAL EVENTS

DATE

AVON POLICE CHIEF OR DESIGNEE

DATE

**PROCEDURES FOR PERMIT APPLICATION FOR OUTDOOR USE OF AMPLIFIED SOUND EQUIPMENT
AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF AVON TO REGULATE AMPLIFIED
SOUND SYSTEMS AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF (Ordinance No. 15-07)**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO:

Section 1. Amendment

Title 5 of the Municipal Code of the Town of Avon is amended by the addition of a Chapter 5.24 as follows:

5.24.010 Amplified Sound Permit Required

- a. These regulations concerning amplified sound systems are adopted to prevent noise nuisance in the Town of Avon while allowing for amplified sound for public and private events, establish minimum standards for the permitting of amplified sound, and adopt procedures for public notification and input for certain categories of amplified sound. These regulations shall be interpreted and applied so as not to infringe upon the reasonable constitutional rights of free speech and right of assembly
- b. The following activities and uses of amplified sound shall not require an Amplified Sound Permit:
 - i. Amplified sound related to any governmental emergency building, vehicle or response activity;
 - ii. Use of amplified sound by an officer, employee or agent of any local, state or federal government;
 - iii. In Nottingham Park, including the Avon Performance Pavilion, for the Salute to the USA held on July 3 of each year; and,
 - iv. Small low wattage personal sound amplification devices that do not disturb others.
- c. Unless expressly exempt as set forth in Sub-Section (b) above, an Amplified Sound Permit shall be required and shall be obtained prior to the use and operation of amplified sound outdoors in the Town of Avon, including use and operation of a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck or other mobile vehicle or equipment.
- d. It is unlawful for any person to use or operate amplified sound outdoors in the Town without an Amplified Sound Permit when and Amplified Sound Permit is required.

5.24.020 Administrative Approval

- a. The Town Manager may approve an Amplified Sound Permit for outdoor use of amplified sound use at following locations and times:
 - i. In Nottingham Park, including the Avon Performance Pavilion, on Sunday through Wednesday between the hours of 9:00 a.m. and 8:00 p.m. and on Thursday through Saturday between the hours of 9:00 a.m. and 10:00 p.m.
 - ii. In any non-commercial zone (including any planned unit development area allowing non-commercial use, but not including Town properties, park and the Main Street Mall) between the hours of 9:00 a.m. and 8:00 p.m.
 - iii. In any commercial zone (including any planned unit development area allowing commercial, but not including Town properties, park and the Main Street Mall) between the hours of 8:00 a.m. and 10:00 p.m.

- b. No public hearing shall be required prior to review and approval of an administrative approval of an Amplified Sound Permit. The Town Manager may elect to solicit public comments or may refer an Amplified Sound Permit application to the Avon Town Council to be considered after conducting a public hearing in accordance with Section 5.24.030 below.
- c. Any outdoor use of amplified sound outside the hours and in the locations established in this Section shall require review and approval by the Avon Town Council.
- d. An applicant for an Amplified Sound Permit can appeal the decision of the Town Manager to the Avon Town Council. An appeal must be submitted by an applicant in writing to the Town Clerk within fourteen (14) days the date of the decision by the Town Manager. The Town Council shall conduct a public hearing within forty-five (45) days of receipt of a written request for appeal. Written notice of the public hearing date, time and location shall be mailed to the appellant via first-class U.S. mail at least ten (10) days prior to the public hearing, unless the appellant agrees to a shorter time frame and a different notification method. The Town Council shall review an appealed Amplified Sound Permit application *de novo*.

5.24.030 Town Council Approval

- a. Any Amplified Sound Permit application that is not subject to administrative approval or that is referred by the Town Manager to the Town Council shall be subject to review and approval by Town Council after conducting a public hearing.
- b. A public hearing for an Amplified Sound Permit shall be posed and published at least six (6) days in advance of the public hearing on the Town's website; in a newspaper of general circulation in Avon; at the Avon Town Hall, Avon Library and Avon Recreation Centers; and, with regards to an Amplified Sound Permit on the Main Street Mall, posted at the proposed location of the amplified sound.

5.24.040 Amplified Sound Permit Applications

- a. An application for an Amplified Sound Permits shall be submitted to the Town Manager on forms established by the Town Manager, which shall include the minimum information set for the in this Section 5.24.040 and which shall include an application fee determined by the Town Manager not to exceed \$100.00.
- b. Name, physical address, mailing address and email address, phone number.
- c. Proposed location for the amplified sound event(s).
- d. Proposed dates and times for the amplified sound events(s).
- e. Map or diagram depicting the location of the sound amplifying equipment, proposed direction of sound projection, and potential sound projection distance.
- f. Description of sound amplifying equipment
- g. Description of any sound screening or other measures to mitigate the adverse impacts of amplified sound.
- h. Description of event and purpose of sound amplification.
- i. Amplified Sound Permit applications shall be submitted at least sixty (60) days prior to the proposed events(s) using outdoor amplified sound provided that the Town may waive or reduce this minimum application submittal deadline at the Town's sole discretion.

5.24.050 Amplified Sound Permit Applications - Amplified Sound Permit applications shall be evaluated according to the following review criteria:

- a. Whether the proposed amplified sound, date, time and associated event is compatible with other uses and activities in the vicinity.
- b. Whether the potential adverse impacts of the sound and noise generated upon the community and surrounding neighborhood are unreasonable for if the negative impacts exceed the potential benefits to the community of permitting the event.
- c. The approving person or body may prescribe any conditions, limitations, requirements or mitigation deemed necessary to minimize the potential adverse impacts on the community and/or surrounding neighborhood; which include but are not limited to: limiting the time and/or duration of amplified sound, determining the direction of the amplified sound, and requiring sound screening.
- d. Amplified Sound Permits may be granted for a specific event, which shall include designation of the date or dates of the event, or may be granted for re-occurring events provided that such approval shall not exceed duration of one year.
- e. Amplified Sound Permits shall be subject to suspension and revocation for any violation of the terms and conditions set forth in the Amplified Sound Permit. The Town Manager may summarily suspend an Amplified Sound Permit based upon a preponderance of evidence that the terms and conditions of the Amplified Sound Permit have been violated and shall refer the permit to the Town Council for a public hearing and consideration of revocation. The Town Manager may refer an Amplified Sound Permit to the Town Council for a hearing and consideration of revocation based upon probable cause that the terms and conditions of the Amplified Sound Permit have been violated. At least three (3) days written notice shall be provided to the Amplified Sound Permit holder prior to the hearing, which notice may be emailed to the email address provided in the permit application and which notices shall state the nature of the violation of the terms and conditions.

5.24.060 Penalty

Any person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction is committed, continued or permitted shall be subject to the penalties contained in Chapter 1.09 of this Code.