

ORDINANCE NO. 083, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 20-21 AND 20-25 OF THE CODE OF THE
CITY OF FORT COLLINS FOR THE PURPOSE OF CLARIFYING
EXCEPTIONS TO THE NOISE ORDINANCE FOR
AGRICULTURAL ACTIVITIES

A. Colorado Revised Statutes (“C.R.S.”) Section 35-3.5-102 limits when agricultural operations in Colorado may be found to be a nuisance. That statute provides that an agricultural operation may not be found to be a public or private nuisance if the agricultural operation employs methods or practices that are commonly or reasonably associated with agricultural production, except when a municipality enacts a nuisance law that applies to agricultural operations that were located within the municipality’s limits on July 1, 1981, or that were voluntarily annexed into the municipality on or after July 1, 1981. C.R.S. Section 35-3.5-102 protects agricultural operations from public nuisance liability.

B. Section 20-23 of the City Code sets maximum permissible noise levels in the City (the “Noise Law”). Exceeding these limits constitutes an unlawful noise disturbance, but Section 20-25 provides exceptions to the Noise Law. Specifically, Section 20-25(2) of the City Code exempts “noise from agricultural activities” from the Noise Law.

C. The City Council seeks to clarify the agricultural activities exemption from the Noise Law. More particularly, the City Council seeks to provide for a straightforward, generally applicable exemption to the Noise Law that comports with C.R.S. Section 35-3.5-102. To that end, this Ordinance will amend the Noise Law to provide that noise from agricultural activities is exempt from the Noise Law if the noise emanates from agricultural activities that are commonly or reasonably associated with agricultural production, regardless of whether the agricultural activities occur as a result from change in ownership, nonpermanent cessation or interruption of farming, participation in any government sponsored agricultural program, employment of new technology, or change in the type of agricultural product produced

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 20-21 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition “*Agriculture*” which reads in its entirety as follows:

Agriculture means the science and art of production of plants and animals useful to people, including, to a variable extent, the preparation of these products for use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production.

Section 2. Section 20-25(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 20-25. - Exceptions.

The provisions of this Article shall not apply to:

. . .

(2) Noise from agricultural activities; if the noise emanates from agricultural activities that are commonly or reasonably associated with agricultural production, regardless of whether the agricultural activities occur as a result of any of the following activities or conditions:

- a. Change in ownership;
- b. Nonpermanent cessation or interruption of farming;
- c. Participation in any government sponsored agricultural program;
- d. Employment of new technology; or
- e. Change in the type of agricultural product produced.

. . .

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 13, 2025

Approving Attorneys: Ted Hewitt/Travis Winter

Exhibits: None