

ORDINANCE

AN ORDINANCE FOR THE TOWN OF ECKLEY RELATING TO NOISE WITHIN THE TOWN OF ECKLEY,

WHEREAS, Section 31-15-103, C.R.S. authorizes the Board of Trustees (the "Board") of the Town of Eckley, Colorado (the "Town") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town and the inhabitants thereof; and

WHEREAS the Board adopted Ordinance No. 1-1991 relating to Disturbing the peace.

Section 1 Noise Prohibited.

It is unlawful for any person to make unnecessary noise upon, near or adjacent to the streets, highways, and other public places in the Town. It is unlawful for any person to make, continue or cause to be made any unnecessary or unusual noise detrimental to the comfort, repose, peace, health, or safety of others, unless the making and continuing of the same is necessary for the protection or preservation of property or of the health, safety, life or limb of some person or the public generally. Unlawful noise shall include, but not be limited to:

- A. Operation or permitting the operation of any lawn mowers, leaf blowers, other motorized garden equipment, or snowblowers between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to cause a noise disturbance of the peace.
- B. Operation or permitting the operation of any construction, digging, drilling, demolition, or other heavy equipment between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to cause a noise disturbance of the peace.
- C. At a gathering of multiple individuals, using, operating, or permitting the use or operation of any radio, television set, loudspeaker, public address system, tape player, record player, CD player, DVD player, or similar device at any time in such a manner as to permit the discernment of individual sounds at either the real property line or through a party wall within a building.
- D. Using, operating, or permitting the use or operation of any radio, television set, loudspeaker, public address system, tape player, record player, CD player, DVD player, or similar device in a motor vehicle in such a manner as to cause a noise disturbance of the peace.

Section 2 Exceptions.

Provisions of this chapter should not apply to sounds emitted as a result of any of the following:

Any bell or chime from any building clock, school or church;

Any siren, whistle or bell lawfully used by emergency vehicles, or any alarm systems used in case of fire, collision, civil defense, police activity or imminent danger; provided, however, that burglar alarms not terminating within 15 minutes after being activated shall not be excepted from the provisions of this chapter;

- Any aircraft in flight subject to federal law regarding noise control, or any rail traffic subject to protection as interstate commerce;

Any activities of a temporary duration which are permitted by law and for which a license or permit has been granted by the City including, but not limited to, parades, sporting events, concerts, firework displays or public address systems, rodeos;

Any entertainment or sporting events sponsored by a tax supported governmental entity or any nonprofit organization;

Any power equipment operated between the hours of 6:00 a.m. and 10:00 p.m. for the purpose of maintenance or improvement of property;

Any construction activities within the Town between the hours of 6:00 a.m. and 10:00 p.m., regardless of location, for the periods within which construction is to be completed pursuant to any applicable building permit or pursuant to any contract with the Town, as the case may be;

Any agricultural, industrial, or commercial noise which is incidental to the activity which is lawfully performed;

Any sound incidental to the repairing of building roofs.

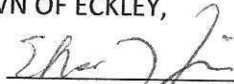
Section 3 Violations; Penalty.

Violations of this chapter shall be punished by a fine up to and including \$300.00 for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment; however, failure to pay a fine may result in imprisonment pursuant to Colorado Revised Statutes § 13-10-113, as amended.

Passed, this 7th day of Apr 2023.

Published and Approved this 2nd day of May of 2023.

TOWN OF ECKLEY,



Elno Hagemeyer Mayor

ATTEST:



Aileene Vance Town Clerk/Treasurer

