

Town of Arriba
Noise Ordinance No. 149

An ordinance of the Board of Trustees for the Town of Arriba Colorado governing noise.

Whereas the Colorado general assembly has found and declared that noise is a major source of environmental pollution and represents a threat to the serenity and quality of life enjoyed by citizens within the state and furthermore threatens the public health safety and welfare; and,

Whereas the Board of Trustees is empowered and authorized pursuant to CRS 12 - 25 to enact and enforce by ordinance regulation governing noise; and,

Whereas the Board of Trustees has determined that the adoption of noise regulations is necessary to protect and preserve the town's rural atmosphere and eliminate or minimize potential injury to the public health safety and welfare cause by loud and excessive noise and

Therefore be it ordained by the Board of Trustees for the Town of Arriba, Colorado:

Section 1. Definitions:

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

Noise disturbance means any sound which:

- Endangers or injures the safety or health of humans or animals;
- Annoys or disturbs a reasonable person of normal sensitivities; or
- Endangers or injures personal or real property.

Person means an individual, association, partnership, or corporation and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

Residential property boundary means an imaginary line along the ground surface in its vertical extension which separates the real property owned by one person from that owned by another person.

Section 2. Noise disturbances prohibited:

No person shall make, continue, or cause to be made or continued any noise disturbance across a residential property boundary from 9pm at night to 6am the following day.

Loud music: no person shall play, or permit to be played any music audible at a residential property boundary between the hours of 9pm at night to 6am the following day.

Construction noise: noise generated by construction activities shall not be allowed from 9pm at night to 6am the following day.

Dogs: this is covered under Town of Arriba Ordinance No. 139.

Animals: any animal that makes any such noise in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous.

This section shall not apply to sound made or controlled by the Town, the federal government or any branch, subdivision, institution or agency of the government of the State, or any subdivision within it; nor shall apply to any activity of the government unit; nor shall apply to any event sponsored by a government unit or others pursuant to the terms of a contract or lease grown by the government unit

Section 3. Penalties Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado be assessed according to the following schedule of fines:

3.1 The first offense, a fine of not less than fifty (50) dollars nor more than three hundred (300) dollars.

3.2 The second offense within any consecutive 365 day period, a fine of not less than one hundred (100) dollars nor more than four hundred (400) dollars.

3.3 The third offense within any consecutive 365 day period, a fine of not less than two hundred (200) dollars nor more than five hundred (500) dollars.

3.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of one hundred (100) dollars.

3.5 The minimum fines prescribed herein for violations of any of the provisions of this ordinance shall be mandatory and no court shall grant a suspension thereof in whole or in part.

3.6 All fines shall constitute a lien upon any lot or tract of land in the event said fines shall not be paid when due, the Board of Trustees may certify the fines to the County Treasurer of Lincoln County, Colorado to be placed upon the tax list to be collected in the manner as other taxes are collected with penalty added thereto to defray the cost of collection.

Section 4. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Arriba, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. The Board of Trustees for the Town of Arriba, Colorado determines that this Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and it is enacted for that purpose and shall be in full force and effect after final passage and publication.

INTRODUCED, READ IN FULL AND ADOPTED this 9th day of May, 2022.

PASSED by a vote of 6 for and 0 against AND ORDERED PUBLISHED ONCE IN FULL this 9th day of May, 2022.

Alex Flores
Mayor

(Seal)

ATTEST:
Josie Hart Town Clerk