

TITLE 9

Public Peace, Morals and Welfare

Chapter 9.04 Offensive or Unwholesome Businesses

- 9.04.010 Maintaining offensive or unwholesome business prohibited
- 9.04.020 Carrying on business in offensive or unwholesome manner prohibited
- 9.04.030 Violation; penalty

Chapter 9.08 Noise Regulations

- 9.08.010 Purpose
- 9.08.020 Definitions
- 9.08.030 Declaration as a nuisance
- 9.08.040 Illegal noise
- 9.08.050 Motor vehicle noise prohibited
- 9.08.060 Enforcement
- 9.08.070 Violation; penalty

CHAPTER 9.04

Offensive or Unwholesome Businesses

9.04.010 Maintaining offensive or unwholesome business prohibited.

No person, persons or corporation shall maintain within the Town of, or within one (1) mile beyond the outer limits of the Town, any offensive or unwholesome business or establishment. (Ord. 114 §1, 1964)

9.04.020 Carrying on business in offensive or unwholesome manner prohibited.

No person, persons or corporation shall carry on any business or establishment within the Town, or within one (1) mile beyond the outer limits of the Town, in an offensive or unwholesome manner. (Ord. 114 §2, 1964)

9.04.030 Violation; penalty.

The violation of the provisions of this Chapter shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each offense. Each day on which any such violation occurred or continues shall be deemed a separate offense. (Ord. 114 §4, 1964)

CHAPTER 9.08

Noise Regulations

9.08.010 Purpose.

It is declared and determined by the Board of Trustees that, at certain levels, noise is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the Town. The purpose of this Chapter is to control and eliminate excessive and disturbing noise within the Town. This Chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of the Town through the reduction, prohibition and regulation of noise. It is further the purpose of this Chapter to promote the comfortable enjoyment of life, property and conduct of business within the Town and to prevent noise levels which are harmful, detrimental and disturbing to individuals in the community. (Ord. 226 §1, 1995)

9.08.020 Definitions.

As used in this Chapter:

Device means any mechanism which is intended to or which actually does produce audible sound when operated or handled.

Disturbance means any sound or noise which annoys, disturbs or perturbs reasonable persons with normal sensibilities, or which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

Noise is described as any sound which annoys or disturbs humans or which causes or tends to cause any adverse psychological or physiological effect on humans.

Person means any individual, firm, corporation, group of people or entity.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and refraction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Unnecessary noise means any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, hearing, peace or safety of any person, or causes damage to property or business. (Ord. 226 §2, 1995)

9.08.030 Declaration as a nuisance.

It is declared and determined that any device or the operation of any device whatsoever, which produces noise, a disturbance or unnecessary noise, is declared to be a nuisance. (Ord. 226 §3, 1995)

9.08.040 Illegal noise.

(a) It is unlawful for any person to use, operate or permit the use or operation of any radio, receiving set, loud speaker, musical instrument, television, phonograph, tape player or other machine or device which produces or reproduces sound so as to cause a disturbance, or to cause unnecessary noise.

(b) The provisions of this Section shall not apply to authorized emergency vehicles, when such authorized emergency vehicles are responding to an emergency call, when in pursuit of the actual or suspected violator of the law, or when responding to a fire alarm.

(c) The provisions of this Section shall not apply to authorized construction activities, provided that said construction activities take place between the hours of 7:00 a.m. and 6:00 p.m., and are authorized pursuant to an appropriate and properly issued building permit. (Ord. 226 §4, 1995)

9.08.050 Motor vehicle noise prohibited.

No person shall operate nor shall the owner permit the operation of any motor vehicle, nor any radio, musical instrument, phonograph or other machine or device which is designed for the production or reproduction of sound, which is located in or upon said motor vehicle at any time or place when said motor vehicle causes unnecessary noise or noise which is continuous or repetitive and causes disturbance or disruption of the peace and quiet for the citizens of the Town. (Ord. 226 §5, 1995)

9.08.060 Enforcement.

In addition to members of the Otero County Sheriff's Department or other law enforcement officials for the Town, the designated code enforcement officer for the Town is authorized and directed to issue a summons and complaint for violations of this Chapter. Upon written complaint from a resident within the Town, or upon personal observation by an appropriate law enforcement official or code enforcement officer from the Town, a summons and complaint may be issued directing the violator of this Chapter to appear in Municipal Court and answer for the violation of this Chapter. The uniform summons and complaint procedure shall be used pursuant to Colorado State Statutes and the Colorado Rules of Municipal Procedure. (Ord. 226 §6, 1995)

9.08.070 Violation; penalty.

In the event any person, firm, corporation or entity is declared and determined to have violated the provisions of this Chapter, he or she shall be subject to a fine of up to an amount not exceeding three hundred dollars (\$300.00). There is imposed by the Board of Trustees a minimum fine for the first violation of this Chapter in the amount of one hundred dollars (\$100.00); a minimum fine for the second violation of this Chapter within a twelve-month period of two hundred dollars (\$200.00); and a minimum fine for the third violation of this Chapter within a twelve-month period of three hundred dollars (\$300.00). (Ord. 226 §7, 1995; Ord. 2004-9 §§3, 4)