

repealed by Ord. 336  
10/6/05

ORDINANCE NO. 308

**AN ORDINANCE PROHIBITING EXCESSIVE NOISES**

WHEREAS, Occasionally noises are emitted in the city limits of Creede which are excessive and disruptive of the tranquillity of the Town

**BE IT ORDAINED** by the Town Board of the City of Creede

SECTION I.

10—8—1 Unnecessary Noises, is amended to read as follows:

(a) Noises Generally prohibited The making of unnecessary noises upon, near or adjacent to the streets, highways and other public places in the city is hereby declared to be a public nuisance. The enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated, It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise between the hours of 7 a.m. and 7 p.m. which either annoys, injures, or endangers the comfort, response, health or safety of others, or to make, or continue between the hours of 7 p.m. and 7 a.m. whether in the operation of any machine or the exercise of any trade or calling or otherwise any noise which either annoys, injured, or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection of preservation of property or health, safety, life or limb of same person.

(b) Every activity which is conducted within the City of Creede shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Periodic impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five db (A) less than those listed below. Sound level limits shall be determined by the zone into which the sound is transmitted. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones, as set out in the land use code, shall constitute prima facie evidence that such noise is a public nuisance:

Zone	7am to 7pm	7pm to 7am
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db (A)	65 db(A)
Industrial	80 db (A)	75 db (A)

Residential includes Rural, Residential, Mobile Home, Medium Density zones; Commercial includes Commercial, Commercial Business, Commercial Resort Tourist zones; Light Industrial and Heavy Industrial are for those specific zones in the Land Use Code.

(c. Every motor vehicle driven upon a street and propelled by a combustion engine shall be equipped with a muffler and exhaust system in constant operation and properly maintained to prevent any noise:

- a. In excess of that emitted by the exhaust system of such vehicle as originally installed by the manufacturer of such vehicle; or
- b. That is excessive or unusual.

No motor vehicle driven on any street or highway or within the Town limits, shall be equipped with any muffler cut off or bypass. All classes of vehicles are limited to 80 db (A) on any street, road, or highway within the city limits of Creede. Use of "Jake Brakes" or similar devices in the City Limits is prohibited except under emergency conditions.

No person shall operate any motor vehicle including any industrial equipment that is in violation of any of the provisions of this section.

(d) Sirens, Whistles, Gongs, and Red Lights It shall be unlawful for any person to carry or use upon any vehicle other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle, or red light similar to that used on ambulances or vehicles of the police and fire department.

(e) Animals It shall be unlawful for any person to own, keep, have in his possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood, provided, the provisions of this sub-section shall not apply to hospitals conducted for the treatment of small animals which are approved by the health department or to premises occupied or used by Town pound.

SECTION 2. PENALTY. Any violation of any provision of this ordinance shall be punishable, upon conviction, by a fine of not more than three hundred dollars and up to 90 days in jail for each separate offense.


SECTION 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid or unconstitutional, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. NECESSITY. It is hereby declared that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety, and shall take effect and be enforced from and after its final adoption.


SECTION 5. CODIFICATION. This Ordinance shall be codified into the Municipal Code. Any changes in numbering of paragraphs, sections, or subparagraphs shall not change the validity of any part of the Ordinance. The word "Ordinance" may be changed to "Title", "Section," "Subsection", or "Code" as necessary.

Introduced, read in full, and adopted, approved and signed this 5 day of October, 1998.

TOWN OF "CITY OF CREEDE":

  
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Mayor

ATTEST:

  
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Clerk