TOWN OF LOCHBUIE  
COUNTIES OF WELD AND ADAMS  
STATE OF COLORADO  
ORDINANCE NO. 2018-637  

AN ORDINANCE AMENDING THE TOWN OF LOCHBUIE MUNICIPAL CODE BY PROVIDING THAT CONSTRUCTION NOISE OTHER THAN EMERGENCY CONSTRUCTION BETWEEN THE HOURS OF 7 P.M. AND 7 A.M. THE NEXT DAY SHALL BE CONSIDERED PRIMA FACIE UNREASONABLE AND UNLAWFUL NOISE

WHEREAS, Section 31-15-401(1)(e), C.R.S., authorizes the Town, in relation to its general police power, to prevent and suppress noises and disturbances in any public or private place; and

WHEREAS, Section 10-10-80 of the Lochbuie Municipal Code governs unreasonable noises within the Town and lists certain events that are deemed to be prima facie unreasonable noises, but does not specifically address noises from construction; and

WHEREAS, the Board of Trustees desires to amend Section 10-10-80 to provide specifically that construction noise outside the hours of & 7 p.m. to 7 a.m. the next day shall be considered prima facie unreasonable noise; and

WHEREAS, passage of this Ordinance is in the interests of the health, safety and welfare of the citizens.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:

Section 1. Section 10-10-80 of the of the Municipal Code for the Town of Lochbuie, Colorado, is hereby amended by the addition of a new subsection (5) to read as follows:

(5) Except for emergency construction immediately necessary to protect property or person, noise from any construction activities between 7:00 p.m. and 7:00 a.m. which is audible twenty-five (25) feet from the source of the sound or audible within a residence other than that of the person responsible for the sound.

Section 2. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, 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. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application"
means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 3. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, 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 relationship to the proper legislative object sought to be obtained.

Section 4. Effective Date. This Ordinance shall take effect 30 days following publication by title.

ADOPTED by a vote of 7 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 12th day of December 2018.

TOWN OF LOCHBUIE, COLORADO

[Signature]

Jacob Lofgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of December 18, 2018, and ordered published by title only by The Brighton Blade newspaper on December 26, 2018.

ATTEST:

[Signature]

Linda Blackston, Town Clerk