

ORDINANCE NO. 5

Series 2007

AN ORDINANCE AMENDING SECTION 5-8-6 OF THE BRECKENRIDGE TOWN CODE BY PROHIBITING CONSTRUCTION NOISE ON CERTAIN HOLIDAYS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 5-8-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

5-8-6: CONSTRUCTION NOISE:

- A. Because construction noise is often extremely loud and of prolonged duration, the provisions of Section 5-8-5 shall not apply to construction noise, and instead construction noise shall be regulated by the provisions of this section.
- B. There shall be no limit on construction noise between the hours of seven o'clock (7:00) A.M. and six fifty nine o'clock (6:59) P.M., Monday through Saturday, except as provided in subsection C(2) of this section with respect to holidays.
- C. It shall be unlawful for any person to cause or make construction noise:
 - 1. between the hours of seven o'clock (7:00) P.M. and the next six fifty nine o'clock (6:59) A.M., Monday through Saturday, and all day on Sunday, and
 - 2. all day on the following holidays: January 1, observed as New Year's Day; the fourth Thursday in November, observed as Thanksgiving Day; and December 25, observed as Christmas Day.

It shall not be a violation of this subsection C if construction noise is made or caused under the circumstances described in subsection D of this section.

- D. It shall not be a violation of this section if construction noise is made or caused under the following circumstances: (1) in connection with emergency work as defined in Section 5-8-3, or (2) in connection with a residential home improvement project conducted by the owner-occupant thereof between the hours of noon and 7 P.M. on Sundays.
- E. The provisions of this section may be varied by a development permit issued under the Breckenridge development code¹ or the Breckenridge subdivision standards². It shall be a violation of this section to violate any restriction on construction noise established by such a development permit.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

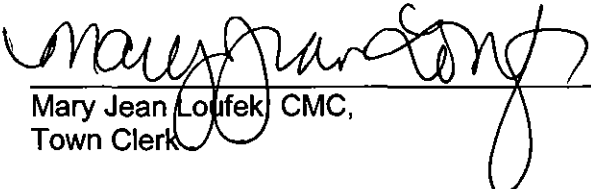
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 25-12-108, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of February, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of February, 2007, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Ernie Blake, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on February 23, 2007.

The public hearing on this ordinance was held on February 27, 2007.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of February, 2007. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

APPROVED IN FORM


Town Attorney

2/27/07
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on March 9, 2007.