

**TOWN OF EATON, COLORADO**  
**ORDINANCE NO. 609**

**AN ORDINANCE AMENDING SECTION IV OF CHAPTER X OF  
THE EATON MUNICIPAL CODE TO INCLUDE SECTION 10-4-  
13 CONCERNING UNREASONABLE NOISE**

**WHEREAS**, the Town of Eaton, Colorado ("Town") is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

**WHEREAS**, the Town Board of Trustees ("Town Board") is vested with authority to administer the affairs of the Town; and

**WHEREAS**, the Town Board recognizes that unreasonable noise is disruptive to the public peace and welfare; and

**WHEREAS**, based on a recommendation from the Eaton Police Department, the Town Board has determined that it is in the best interests of the Town to enact an ordinance prohibiting unreasonable noise in the Town; and

**WHEREAS**, the Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public peace, health, safety and welfare and that this Ordinance is in the best interests of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:**

**Section 1.**     **Section 10-4-13.** Section IV of Chapter X of the Eaton Municipal Code is hereby amended to include Section 10-4-13, which shall read as follows:

**Sec. 10-4-13 – Unreasonable Noise.**

- (a) No person shall shout, cry, blow a horn, ring a bell, beat a drum, use any sound-amplifying device or create any other loud or unusual noise in aid of drawing attention to his or her activity or cause or for any other purpose, except in the case of emergency or dire need, which may be, by way of example, for the protection or preservation of life or property or prevention of injury thereto; provided, however, that the foregoing shall not apply to any public event held in an appropriate place when said event is duly and properly sanctioned by the Town in accordance with Town regulations as may be from time to time be adopted.
- (b) No person shall:

- (1) make, continue or cause to be made or continued any unreasonable noise; or
  - (2) knowingly permit unreasonable noise upon any premises owned or possessed by such person or under such person's control.
- (c) For purposes of this Section, law enforcement and code enforcement officers are empowered to make a prima facie determination as to whether noise is unreasonable, which determination may be based upon, but not need be limited to or inclusive of, the following factors:
- (1) The time of day;
  - (2) The size of any gathering of persons creating or contributing to the noise;
  - (3) The presence or absence of sound equipment; or
  - (4) Any other factors tending to show the magnitude and/or disruptive effect of the noise.

**Section 2. Severability.** If any section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3. Effective Date and Publication.** This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

**INTRODUCED, AND APPROVED** on first reading by the Board of Trustees of the Town of Eaton, Colorado, this 16th day of April, 2020.

**ATTEST:**

By: Margaret Jane Winter  
Margaret Jane Winter, Town Clerk

**TOWN OF EATON, COLORADO**

By: Scott E. Moser  
Scott E. Moser, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Board of Trustees of the Town of Eaton, Colorado, this 21st day of May, 2020.

**TOWN OF EATON, COLORADO**

**ATTEST:**

By: Margaret Jane Winter  
Margaret Jane Winter, Town Clerk

By: Scott E. Moser  
Scott E. Moser, Mayor

