

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL
COLORADO AMENDING CERTAIN PROVISIONS OF ARTICLE VI OF
CHAPTER 10 OF THE CENTRAL CITY MUNICIPAL CODE REGARDING
OFFENSES AGAINST PUBLIC PEACE; AND ADOPTING SOUND-
AMPLIFICATION EQUIPMENT REGULATIONS FOR THE HISTORIC
DOWNTOWN GAMING (HDG) AND GREGORY GULCH GAMING (GGG)
ZONING DISTRICTS WITHIN ARTICLE VII OF CHAPTER 16 OF THE
MUNICIPAL CODE**

WHEREAS, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

WHEREAS, the City has previously adopted regulations pertaining to offenses against the public peace, as codified in Article VI of Chapter 10 of the Central City Municipal Code; and

WHEREAS, Section 10-134 of the Code currently prohibits the use of any loudspeaker, public address system or other electrically amplified sound equipment within any commercial or gaming zoning district of the City; and

WHEREAS, the City desires to allow sound amplification within the Historic Downtown Gaming ("HDG") and Gregory Gulch Gaming ("GGG") zoning districts in limited circumstances subject to a permit requirement; and

WHEREAS, the City Council desires to amend the Municipal Code in order to allow sound-amplification equipment within the HDG and GGG zoning districts.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. **Amendment of Section 10-134(a)(1).** Section 10-134(a)(1) of Article VI of Chapter 10 is hereby repealed and replaced in its entirety to read as set forth below:

(1) Commercial and gaming districts. Within any commercial or gaming zoning district of the City, the use or operation of any loudspeaker, public address system or other electrically amplified sound equipment within a building or outside of a building if the sound resulting from such operation is clearly audible from the property boundary or from any public street or right-of-way, unless the use of or operation of the loudspeaker, public address system, or other electrically amplified sound equipment is within the Historic Downtown Gaming (HDG) or the Gregory Gulch Gaming (GGG) Zoning Districts of the City and the use of such equipment has been permitted by the City in accordance with Section 16-193 of this Code.

Section 2. Section 16-193 of Article VII of Chapter 16, currently titled “Reserved” is hereby repealed and replaced with a new Section 16-193 entitled “Sound Amplification Equipment in HDG or GGG Zoning Districts” to read in its entirety as set forth below:

Sec. 16-193. Sound Amplification Equipment in HDG or GGG Zoning Districts.

(a) As used in this Section, “sound-amplification equipment” means any loudspeaker, public address system or other electrically amplified sound equipment used for the amplification of the human voice or music which is clearly audible from the property boundary or any public street or right-of-way.

(b) It shall be unlawful for any person to use or cause to be used any sound-amplification equipment in the Historic Downtown Gaming (HDG) or the Gregory Gulch Gaming (GGG) zoning districts without first having applied for and obtained a sound amplification permit from the City as provided in this Section.

(c) There shall be a maximum of one (1) sound-amplification permit issued within each of the HDG and GGG zoning districts per calendar year. The maximum number of permits issued per calendar year may be adjusted by resolution of City Council, following a public hearing thereon.

(d) Nothing in this Section shall be construed to authorize or permit the use of sound-amplification equipment within any other zoning district of the City.

(e) Applications for permits for the use of sound-amplification equipment and applications for permit renewals shall be filed with the City Clerk on forms supplied by the City. Application fees and renewal fees shall be established by resolution of the City Council.

(f) Each permit application filed with the City Clerk shall contain the following information:

- (1) The name, home address, telephone number and email address of the applicant;
- (2) The business address of the applicant (if applicable);
- (3) The address(es) or location(s) where the sound-amplification equipment is proposed to be used;
- (4) If applicable, the written consent of the property owner(s) of the location(s) where the sound-amplification equipment is proposed to be used, consenting to the placement or installation of the sound-amplification equipment;
- (5) A general description of the sound-amplification equipment proposed to be used;
- (6) The maximum sound-producing power of the sound-amplification equipment to be used, including the wattage to be used, the volume in decibels of the sound which will be produced, and the approximate maximum distance (in feet) sound will be projected from

the sound-amplification equipment;

(7) The name, address, telephone number and email address of the person who will have direct charge of the sound-amplification equipment;

(8) The purpose for which the sound-amplification equipment will be used;

(9) The proposed hours of operation of the sound-amplification equipment;

(10) The number of days of proposed operation of the sound-amplification equipment;
and

(11) Other relevant information concerning the proposed sound-amplification equipment, process, and/or event(s) for which the sound-amplification equipment will be used.

(g) Each permit renewal application shall contain the information requested on the forms supplied by the City.

(h) Upon receiving a completed application for a permit or permit renewal for the use of sound-amplification equipment, the City Clerk shall refer the application to the Community Development Director or his or her designee, and the City shall thereafter conduct an investigation, and shall approve or conditionally approve the application for a permit or permit renewal if it is determined that all the requirements of this Section are met, and if it appears from the information contained in the application and such supplemental information as may be presented to or obtained by the Community Development Director during the course of the investigation that the proposed use of the sound-amplification equipment complies with the regulations contained in this Section. Each permit or permit renewal issued shall be nontransferable and valid for the period of time set forth on the face of the permit, not to exceed a period terminating on the last day of the calendar year in which the permit or permit renewal is conditionally approved by the Community Development Director.

(i) In granting a permit or permit renewal, the Community Development Director shall specify the hours during which the sound-amplification equipment may be used after considering the needs of the applicant, the area or areas in which the sound will be emitted, and the effects of such use on the public health, safety and welfare. In no event shall any permit or permit renewal issued by the Community Development Director authorize the use of sound-amplification equipment past 10:00 p.m. or before 10:00 a.m. in the HDG or GGG zoning districts.

(1) The Community Development Director may attach such other reasonable conditions on the use of the sound-amplification equipment as may reduce friction among competing uses within the zoning district in which the permit is to be issued, or will otherwise serve the purposes of this Section.

(2) Upon issuance, the permit shall be valid only for the period and location(s) specified in the permit.

(j) An applicant may appeal the Community Development Director's denial of a permit to the City Manager. The appeal shall be made in writing, stating the grounds for appeal, within five (5) working days following the decision of the Community Development Director. The City Manager shall issue a written decision regarding the appeal within ten (10) working days following the date on which the applicant's written appeal is received by the City Manager, and a copy of such written decision shall be provided to the applicant.

(k) The use of sound-amplification equipment in the City shall be subject to the following regulations:

- (1) The only sounds permitted are music and/or human speech;
- (2) The human speech and/or music amplified shall not be profane, lewd or slanderous;
- (3) The volume of amplified sound shall not exceed the maximum permissible noise levels set forth in Section 7-61 of Chapter 7 of this Code; and
- (4) The sound amplification equipment shall not be used between the hours of 10:00 p.m. and 10:00 a.m.

(l) The Community Development Director may revoke or fail to renew any permit issued pursuant to this Section on any of the following grounds:

- (1) The sound-amplification equipment has been used contrary to the regulations contained in this Section or the terms of the permit;
- (2) The applicant has made a misrepresentation of a material fact in the application;
- (3) The use of the sound-amplification equipment results in traffic congestion, or threatens public health, safety or welfare; or
- (4) The volume of amplified sound has exceeded the maximum permissible noise levels set forth in Section 7-61 of Chapter 7 of this Code.

(m) Notice of the revocation or non-renewal shall specify the effective date of the revocation or non-renewal, which shall be no less than fifteen (15) calendar days following the date of notice, and a copy of the notice of revocation or non-renewal shall be given to the permit holder in writing. If the notice is personally served upon the permit holder, it shall be effective immediately upon service. If the notice of revocation or non-renewal is delivered by mailing, it shall be effective on the third day following the deposit of the notice in the United States mail. The permit holder may appeal the action of the Community Development Director to the City Manager by filing a notice of appeal with the City Clerk within five (5) calendar days after the effective date of the revocation or non-renewal. The City Manager shall issue a written decision regarding the appeal within ten (10) working days following the date on which the written appeal is received by the City Manager, and a copy of such written decision shall be provided to the

permit holder. If a notice of appeal is not filed within the five (5) day period, the revocation or non-renewal shall become final.

Secs. 16-194 – 16-210. Reserved.

Section 3. Codification Amendments. The codifier of Central City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 5th day of June, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 27th day of June, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on June 14,, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on July 5, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk