

**ORDINANCE NO. 13**

**SERIES 2013**

**AN ORDINANCE AMENDING THE TOWN'S  
NOISE REGULATIONS CONTAINED IN  
CHAPTER 10, ARTICLE 9 TO REDUCE THE  
ALLOWABLE NOISE LEVEL DURING THE  
DAYTIME IN THE COMMERCIAL DISTRICT  
FROM 70DBA TO 60DBA**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Chapter 10, Article 9 of the Crested Butte Municipal Code (the "Code") contains regulations respecting noise;

WHEREAS, the Board of Zoning and Architectural Review (the "Board") has reviewed and studied the noise levels generated by speakers and amplified music along Elk Avenue and found that such noise is creating loud or excessive noise pollution;

WHEREAS, based on such finding, the Board has recommend amending the allowable noise level during the daytime in the commercial district contained in the noise regulations from 70dBA to 60dBA;

WHEREAS, the Town Council has found and declared that noise is a source of environmental pollution and represents a threat to the serenity and quality of life enjoyed by the residents and visitors of Crested Butte;

WHEREAS, the Town Council has determined that its noise regulations are necessary to better regulate noise, protect and preserve the Town's small-town atmosphere and eliminate or minimize potential injury to the public health, safety and welfare caused by loud and excessive noise; and

WHEREAS, the Town Council finds that the below amendments to the Code as recommended by the Board accomplish the goals of eliminating or minimizing loud or excessive noise and are therefore in the best interest of the general health, safety and welfare of the residents and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

**Section 1.** **Amending Section 10-9-60.** Table 10-1 in Section 10-9-60(a) is hereby amended by replacing "70dBA" for the Daytime in the Commercial District with "60dBA."

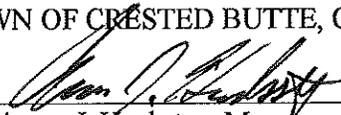
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

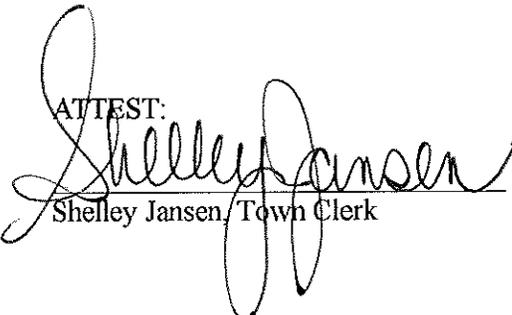
**Section 3. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 6<sup>th</sup> DAY OF May, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20<sup>th</sup> DAY OF May, 2013.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron J. Huckstep, Mayor

ATTEST:  
  
Shelley Jansen, Town Clerk

