

**ORDINANCE NO. 2018-15**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 7 OF THE KEENESBURG MUNICIPAL CODE REGARDING CONSTRUCTION ACTIVITIES BETWEEN THE HOURS OF 9:00PM AND 6:00AM**

**WHEREAS**, the Board of Trustees desires to amend the Keenesburg Municipal Code to allow construction activities and the operation of construction equipment between the hours of 9:00 p.m. and 6:00 a.m. by special permit; and

**WHEREAS**, the Board of Trustees finds and declares it has the power and authority to adopt this emergency ordinance pursuant to state law, including but not limited to C.R.S. § 31-15-103 (concerning municipal police powers) and C.R.S. § 31-15-401 (concerning municipal police powers);.

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

**Section 1.** Subsection 7-2-30(2) of the Keenesburg Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 7-2-30.- Prohibited noise activities.**

(2) Construction equipment and activities. No person or entity shall operate any construction equipment ~~nor~~ or conduct any construction activities between the hours of 9:00 p.m. and 6:00 a.m., unless such person first obtains a temporary after-hours construction permit in accordance with Section 7-2-40.

**Section 2.** Chapter 7 of the Keenesburg Municipal Code is hereby amended by the addition of a new Section 7-2-40, to read as follows:

**Sec. 7-2-40.- Temporary after-hours construction permit.**

(1) Any person or entity seeking to operate construction equipment or conduct any construction activities between the hours set forth in subsection 7-2-30(2) shall first apply for a temporary after-hours construction permit in accordance with this Section.

(2) Applications for after-hours construction permits shall be made on forms provided by the Town.

(3) The Town Manager may grant an after-hours construction permit if all of the following conditions are met:

(a) The term of the permit expires no later than three (3) weeks after its issuance;

(b) The operation of construction equipment or conduct of construction activities will not take place within five-hundred (500) feet of any residential property; and

(c) Construction lighting will not spill over onto neighboring properties.

(4) The Town may add conditions to any temporary after-hours construction permit reasonably necessary to protect the public health, safety, welfare, comfort, peace and quiet enjoyment of the Town and its residents.

(5) Temporary after-hours construction permits may be revoked by the Town Manager upon the Town's receipt of a complaint regarding the after-hours operation of construction equipment or conduct of construction activities, including but not limited to a complaint related to subsection (3), above.

**Section 3.** 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 validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees 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 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 5.** The Board of Trustees herewith finds, determines and declares that this emergency ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare and is a matter on which immediate action is genuinely and urgently necessary because after hours construction is urgently necessary for the timely completion of ongoing construction projects within the Town. Therefore, the Board of Trustees herewith further finds, determines and declares that it is necessary for this emergency ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by three-fourths of the entire Board of Trustees.

INTRODUCED, READ, VOTED ON, ADOPTED AND APPROVED AS AN EMERGENCY ORDINANCE BY AT LEAST SIX AFFIRMATIVE VOTES AND ORDERED PUBLISHED IN FULL this 1<sup>ST</sup> day of October , 2018.

TOWN OF KEENESBURG, COLORADO

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Kenneth L. Gfeller, Mayor

ATTEST:

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Toni Johnson, Town Clerk

