

Colorado Springs, Colorado Noise Related Provisions

6.7.115: NOISY PETS OR ANIMALS PROHIBITED

A. It shall be unlawful for any person to own or keep any pet or hoofed animal which by any unreasonably loud and persistent barking, howling, baying, yelping, crowing, crying or other utterance disturbs the peace and quiet of the neighborhood.

B. It shall be a defense to the violation of this section that the complainant provoked the pet or hoofed animal whose noise is complained of by the complainant.

C. In the event an animal control officer determines that a violation of this section has occurred, the animal control officer shall give the owner or keeper of the animal a written warning of the violation pursuant to this chapter. The owner or keeper shall be entitled to a period of three (3) days after the date on which the written warning is given to correct the violation. If the violation persists or recurs for any pet or hoofed animal at the same residence cited in the warning after the three (3) day period, the owner or keeper shall be subject to enforcement action under this chapter. No enforcement action for a violation of this section shall be taken more than six (6) calendar months after the date on which a written warning for that violation is given. If enforcement action is taken within six (6) months of the date on which a written warning was given, the issuance of a summons and complaint shall constitute written warning for the purposes of calculating a new six (6) month enforcement period. Only one warning per residence, per enforcement period, regardless if served on the owner or keeper, will be given.

D. The warning process to be employed by the animal control officer shall be as follows:

1. A written warning pursuant to subsection C of this section will be issued by the animal control officer if, upon investigation, the officer establishes that there is one witness to the unreasonably loud and persistent nature of the noise. The officer or the complaining witness may be relied upon as a witness in meeting this requirement.

2. The warning shall be sufficient if it cites this section, states that a complaint has been received, that the person's pet or hoofed animal is disturbing the peace of another in the neighborhood, identifies the date and time of the disturbance, identifies the animal disturbing the peace, identifies the witness to the disturbance and is identified as coming from within the City limits.

3. A warning is given under this section if it is posted on the owner's or keeper's premises.

4. The City shall keep records of all warnings given and the records shall be prima facie evidence that the warnings were given.

E. No person shall be convicted at trial of violating this section unless some testimonial or demonstrative evidence is presented corroborating the complaining witness's allegation of the unreasonably loud and persistent nature of the noise and a warning was issued pursuant to subsection D of this section. A corroborating witness shall not include the complainant nor a member of the complainant's household.

F. Upon a second conviction entered and in addition to any other penalties that may be imposed, the court may order the owner or keeper of the pet to abate the nuisance within five (5) days. Failure to abate the nuisance within five (5) days shall constitute a "contempt of court" as defined in chapter 11 of this Code.

G. For the purpose of this section, "neighborhood" means the area within five hundred feet (500') of the exterior boundaries of the premises where the pet resides; "disturb" means to unreasonably annoy, perturb or interfere with the quiet enjoyment of another's premises.

H. Among the circumstances which may be considered in determining whether reasonable grounds for belief have arisen that an owner's or keeper's pet or hoofed animal is in violation of this section are:

1. The time of day.
2. The location of the noise.
3. The frequency of the noise.
4. The length of time for which the noise persists. (Ord. 96-131; Ord. 01-42; Ord. 03-31; Ord. 04-178)

7.2.102: INTENT AND PURPOSE OF ZONING CODE:

This Zoning Code is designed to ensure the most appropriate use of land throughout the City; to ensure a logical growth of the various physical elements of the City; to lessen congestion in the streets and to facilitate the adequate provision of transportation; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to improve housing standards; to conserve property values; to facilitate adequate provision of utilities, schools, parks and other public infrastructure services; to protect against flood conditions and poor geologic and topographic conditions; and in general to promote health, safety and general welfare. The regulations within this Zoning Code have been made with reasonable consideration to the character of each zone district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the City. It is the intent and purpose of this Zoning Code to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions. (1968 Code; Ord. 80-131; Ord. 81-149; Ord. 91-30; Ord. 94-107; Ord. 01-42)

7.2.108: SIMILAR USES:

When a use is not specifically identified as allowed in a zone district, it shall not be allowed in the zone district unless it meets the following description and criteria of a similar use. The function, performance characteristics, and location requirements of the unlisted, proposed use must be consistent with the purpose and description of the zone district where it is proposed, compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust. Uses may be allowed as principal permitted, conditional, and accessory uses in any zone district where similar uses are allowed. Similar use determinations shall be made by the Manager or the designee in writing. (Ord. 94-107; Ord. 01-42).

9.8.101: NOISE PROHIBITED:

A. It is unlawful to make, create, or permit an excessive or unusually loud noise, or a noise which endangers public safety, or a noise which is harmful to any person, which can be heard without the use of an electronic measurement device or heard and measured in the manner prescribed in section 9.8.103 of this part; except when made under and in compliance with a permit issued pursuant to section 9.8.109 of this part.