

ORDINANCE NO. 834

AN ORDINANCE AMENDING CHAPTER 5.20 OF THE GOLDEN REVISED ORDINANCES, PROVIDING FOR THE ABATEMENT OF NUISANCES, AND DECLARING CERTAIN ACTIVITIES AS NUISANCES WITHIN THE CITY OF GOLDEN, AND ONE MILE BEYOND SAID CITY LIMITS IN SPECIFIC INSTANCES

WHEREAS, the City Council of the City of Golden recognizes that certain activities and uses of property both within and without the city limits of the City of Golden may be offensive, unwholesome and otherwise detrimental to the health, safety and welfare of the citizens of the City of Golden; and

WHEREAS, it is the desire of the City Council of the City of Golden to both identify such offensive, unwholesome and detrimental activities as public nuisances, both within and without the city limits of the City of Golden, and to provide for an expeditious procedure for the abatement of same to insure the integrity of the Golden community and to avoid detriment to the health, safety and welfare to the citizens of the City of Golden.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Section 5.20.190 of the Golden Revised Ordinances of 1965, as amended, is hereby repealed and re-enacted as follows:

5.20.190 Penalty for maintaining nuisance. Any person who is the author of any nuisance as defined in this chapter, or who violates any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one dollar nor more than three hundred dollars, or by imprisonment not to exceed ninety days or by both such fine and imprisonment.

Section 2. Section 5.20.220 of the Golden Revised Ordinances of 1965, as amended, is hereby repealed and re-enacted as follows:

5.20.220 Expense of abatement. (a) The expense incurred by the city in abating any nuisance may be recovered by proper action against the author thereof.

(b) The expense of abatement shall in the first instance be paid by the city acting in the interest of public health and safety; provided that such expense shall be

shall be certified to the County Treasurer for collection no later than December 15 of that year. This assessment, until paid, remains a lien against the premises.

Section 3. Section 5.20.230 of the Golden Revised Ordinances of 1965, as amended, is hereby repealed and re-enacted as follows:

5.20.230 Right of entry. (a) The Chief of Police or his authorized representative may enter upon or into any lot, house or other building or premises to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.

(b) If entry is refused in a non-emergency situation, the Chief of Police or his authorized representative may appear before any Municipal Judge of the Municipal Court of the city and upon his showing of probable cause, shall obtain a search warrant entitling him to enter said building or upon said premises. Upon presentation of said search warrant the Chief of Police or his authorized representative may enter into said building or upon said premises using such reasonable force as may be necessary to gain entry therein.

(c) Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this chapter, the Chief of Police or his authorized representative may enter into any building or upon any premises within the jurisdiction of the city, whether the premises are occupied or unoccupied. In said emergency situation, the Chief of Police or his authorized representative may use such reasonable force as may be necessary to gain entry into said building or upon said premises. For the purpose of this sub-section, an emergency situation shall include, but not be limited to, any situation where there is imminent danger of loss of life, limb or property, caused by explosive materials, disease, fire, structural weakness, or any other condition which could cause such imminent danger.

Section 4. Section 5.20.240 of the Golden Revised Ordinances

5.20.260 Floodplain hazard area. It is unlawful and constitutes a nuisance for any person to obstruct any general floodplain hazard area of the city in any manner that is not in conformity with the regulations as provided under Title 19 of this code.

Section 6. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.270 as follows:

5.20.270 Violations of building codes and municipal zoning ordinance. It is unlawful and constitutes a nuisance for any person to maintain any property or building or any other structure in the city in a condition which is in violation of the building codes of the city as embodied in Title 15 of this code, the fire code as embodied in Title 16 of this code, or the zoning ordinance as embodied in Title 18 of this code.

Section 7. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.280 as follows:

5.20.280 Maximum permissible noise levels.
(a) Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a nuisance and prohibited within the jurisdictional limits of the city:

<u>City Zone District</u>	<u>7:00 a.m. to next 7:00 p.m.</u>	<u>7:00 p.m. to next 7:00 a.m.</u>
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Limited industrial	70 db(A)	65 db(A)
General industrial	80 db(A)	75 db(A)

(b) Definitions. For purposes of this section the following definitions shall apply:

(1) "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publica-

levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10^{-5} N/m² (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one hundred percent increase or decrease in the sound level, and a ten-decibel change is a one thousand percent increase or decrease in the sound level.

Section 8. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.290 as follows:

5.20.290 Control of dust producing area. It shall be unlawful and a nuisance for any person to own, possess or control any cleared area, parking lot, vacant lot or other site used by vehicular traffic, or own, possess or control any open pit, storage or stockpile area, without implementing an effective abatement or preventive fugitive dust control measure, as may be required, which may include, but is not limited to, the following:

- (a) Wetting down of the dust producing area
- (b) Landscaping
- (c) Covering, shielding or enclosing
- (d) Paving on a temporary or permanent basis
- (e) Treating through the use of palliatives and chemical stabilization

Section 9. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.300 as follows:

5.20.300 Control of open-bodied trucks and vehicles transporting dust or litter producing materials. (a) It is unlawful and a nuisance for any person through the use of an open-bodied truck or any other vehicle to litter, track or deposit, or cause to be littered, tracked or deposited, sand, gravel, rocks, mud, dirt, dust, or any other debris or material upon any highway, public street, alleyway, or public right-of-way.

- (b) It is unlawful and a nuisance for any

except that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

Section 10. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.310 as follows:

5.20.310 Geologic hazard areas. (a) It is unlawful and constitutes a nuisance for any person to aggravate any geologic hazard area of the city as defined herein by means of disturbing vulnerable rock slopes or unstable soil slopes, where such disturbances would cause rockfalls and/or landslides damaging to either life or property.

(b) Definition. A geologic hazard area is a geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety. This includes, but is not limited to, landslide, rockfall, mudflow and creep.

Section 11. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.320 as follows:

5.20.320 Offensive and dangerous businesses. (a) Any offensive or unwholesome establishment, or any business or establishment carried on in an offensive or unwholesome manner within the city, or within one mile beyond the outer limits of the city, is a nuisance and prohibited, and the City Manager or the Chief of Police shall have the power to abate the same.

(b) The following businesses, trades or conditions shall be considered nuisances and prohibited within the city or within one mile beyond the outer limits of the city, including but not limited to the following:

(1) The storage of gunpowder and other high explosives in violation of the provisions of the Uniform Fire Code as adopted by Title 16 of this code.

(2) The location and construction of slaughterhouses, packing houses,

- (4) Bawdy and disorderly houses of ill fame and assignation.

Section 12. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.330 as follows:

5.20.330 Public Nuisances Prohibited, Generally. (a) The maintenance of a public nuisance, as defined herein, within the jurisdictional limits of the City of Golden, is prohibited.

(b) Definition. In addition to those nuisances enumerated elsewhere in this chapter, a public nuisance is a substance, act, occupation, condition or use of property which is of such nature and continues for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (2) In any way render the public insecure in life or the use of property; or
- (3) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.

Section 13. The Golden Revised Ordinances of 1965, as amended, are hereby amended by the addition of Section 5.20.340 as follows:

5.20.340 Definitions. (a) "Person" or "Author" means natural person, joint venture, partnership, company, corporation, business, trust, organization, or the manager, lessee, agent, officer or employee of any of them.

(b) Terms not defined in this chapter shall be as otherwise defined in this code, and if not herein defined shall be construed as being used in their ordinary, usual and accepted sense and meaning.

ATTEST:

Sharon L. Bennetts, City Clerk

Approved as to form:

Russell J. Sindt, City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of said City, held on the 28th day of February, 1980, and was published as a proposed ordinance in the Outlook, legal newspaper, as the law directs seven days or more prior to its passage; and, that on the 13th day of March, 1980, the said proposed ordinance was read and passed by the City Council at a regular meeting and ordered published in aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 19th day of March, 1980.

Attest: _____
City Clerk of the City of Golden,
Colorado

(S E A L)