

ORDINANCE NO. 13

Series 2023

November 21, 2023: Introduced as Council Bill 13, Series 2023 by Councilor Dan Sheldon, seconded by Councilor Earl Hoellen, and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

December 6, 2023: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE REPEALING AND RE-ENACTING ARTICLE IV OF CHAPTER 6 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING SECURITY ALARM SYSTEMS AND AMENDING SECTION 7-1-40 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING EXCEPTIONS TO PUBLIC NUISANCES

WHEREAS, the City of Cherry Hills Village, Colorado ("City") is a home rule municipality authorized generally pursuant to Article XX of the Colorado Constitution and C.R.S. § 31-15-401 to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens; and

WHEREAS, pursuant to the authority outlined herein, the City Council has established regulations governing security alarm systems, as codified in Article IV of Chapter 6 of the Cherry Hills Village Municipal Code ("Municipal Code"); and

WHEREAS, to encourage residents to enhance the safety of their homes by installing security alarm systems, the City Council desires to repeal and replace Article IV of Chapter 6 of the Municipal Code to remove requirements for security alarm permits and to limit charges owed to the City for unintentional false alarms; and

WHEREAS, the City Council also desires to amend Section 7-1-40 of the Municipal Code, "Exceptions to nuisance," to remove the exception for any noise resulting from a security alarm system licensed with the City to reflect the elimination of security alarm permits and to facilitate the abatement of any security alarms that cause such excessive or prolonged noise as to constitute nuisance; and

WHEREAS, to facilitate communication with residents regarding security alarm use and activation, the City's Police Department has created a free and voluntary Alarm Registry, and both the Police Department and City Council strongly encourage residents to use this Alarm Registry; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interests of public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Article IV of Chapter 6 of the Cherry Hills Village Municipal Code, entitled *Security Alarm Systems*, is hereby repealed in its entirety and re-enacted to read in full as follows:

ARTICLE IV - Security Alarm Systems

Sec. 6-4-10. Legislative intent; purpose.

The purpose of this Article is to set forth the City's regulations governing Security Alarm Systems.

Sec. 6-4-20. Definitions.

For the purpose of this Article, certain words and phrases are defined as follows:

False Alarm means any alarm signal originating from a Security Alarm System to which the Police Department responds and that results from false activation, where the activator knows or should reasonably know that such alarm is false, including reporting a burglary where there is no evidence to substantiate an attempted or forced entry to the premises or reporting a robbery

where no actual or attempted robbery has occurred. The term *False Alarm* does not include alarms that arise from conditions that are clearly beyond the control of the alarm user, e.g., electrical storms, tornadoes, floods, or other acts of God.

Security Alarm System means any mechanical or electrical device that is designed or used for the detection of an unauthorized entry into a building, structure, or facility or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both; and that emits a sound or transmits a signal or message when activated. *Security Alarm System* includes both local alarms and alarms that are monitored off the alarm premises.

Sec. 6-4-30. Exemption.

The provisions of this Article do not apply to audible alarm systems installed in motor vehicles.

Sec. 6-4-40. False alarms unlawful.

It is unlawful for any person to cause the transmission of a False Alarm.

Sec. 6-4-50. Security Alarm System requirements.

Every person maintaining a Security Alarm System may register such system with the Police Department. All residential Security Alarm Systems shall be required to shut off automatically and reset after sounding for a maximum period of fifteen (15) minutes. Any person owning, possessing, or using a Security Alarm System that fails to shut off and reset after fifteen (15) minutes is subject to being charged with violation of Section 7-1-30 of this Code.

Sec. 6-4-60. Prohibitions.

No person shall install or use any Security Alarm System that is designed to cause hearing injury to any person. The noise level of a Security Alarm System in the City shall not exceed 110 dB. This sound level has been established using OSHA standards for permissible noise exposures during a thirty-minute time period.

Sec. 6-4-70. Violation; penalty.

Any person convicted of a violation of any of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

Sec. 6-4-80. Enforcement.

All remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Article.

Section 2. Section 7-1-40 of the Municipal Code, entitled *Exceptions to nuisance*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

Sec. 7-1-40. - Exceptions to nuisance.

The provisions of this article shall not apply to:

(1) Property, actions or activities owned, controlled or conducted by the City, its officials, contractors and employees in the performance of official municipal functions.

(2) Any noise resulting from any authorized emergency vehicle in responding to an emergency call or acting in time of emergency.

~~(3) Any noise resulting from a security system licensed with the City.~~

~~(4)~~(3) The operation of aircraft or aircraft activities that would otherwise constitute a nuisance under this Article but is authorized by federal law.

~~(5)~~(4) Air pollution or noise generally emanating from the operation of a public right-of-way other than air pollution or noise emanating from a single identifiable vehicle.

~~(6)~~(5) An activity that would constitute a nuisance in accordance with this Article but is expressly described in a valid City-issued permit, provided that such activity is ceased, terminated or abated with seventy-two (72) hours of commencement or within such other period of time specifically identified in the permit.

~~(7)~~(6) Construction noise, meaning that noise created by construction equipment or tools at a construction or demolition site during construction times as permitted in this Code; provided, however, that there is no amplified music emanating from the construction or demolition site, and further provided that the construction noise does not exceed ninety (90) decibels dB(A).

~~(8)~~(7) Nonamplified noise associated with lawfully conducted sporting, athletic, educational, worship, theatrical, musical or other similar events or services conducted upon property owned by and used for a nonprofit institution, private club, public recreational facility or nonprofit recreational facility as these uses are defined by Section ~~46-1-40~~ 16-9-130 of this Code.

~~(9)~~(8) Noise associated with routine lawn mowing and landscape maintenance activities, provided that noise levels for such activities do not exceed ninety (90) decibels dB(A), and further provided that commercial operators performing routine lawn mowing and landscape maintenance activities are subject to the construction activity day and time restrictions set forth in Section 18-11-60 of this Code. For purposes of this Section ~~7-1-40~~(9)(8), "commercial operators" shall mean persons or entities contracting to perform lawn mowing and landscape maintenance activities for monetary gain.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.


Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 5. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 13 Series 2023, by the City Council of the City of Cherry Hills Village, Colorado this 6th day of December, 2023.

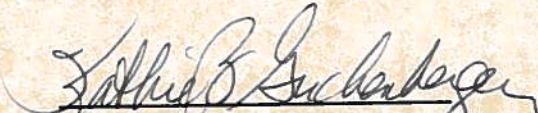
(SEAL)


Kathleen Brown, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Gillespie, City Clerk


Kathie B. Guckenberger, City Attorney

Published in the Villager
Published: 12-14-23
Legal # 11411

CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 13, SERIES 2023
A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE REPEALING AND
RE-ENACTING ARTICLE IV OF
CHAPTER 6 OF THE CHERRY
HILLS VILLAGE MUNICIPAL
CODE CONCERNING SECURITY
ALARM SYSTEMS AND
AMENDING SECTION 7-1-
40 OF THE CHERRY HILLS
VILLAGE MUNICIPAL CODE
CONCERNING EXCEPTIONS TO
PUBLIC NUISANCES

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

Published in The Villager
Published: December 14, 2023
Legal # 11411