

RESOLUTION NO. 2023-146

**RESOLUTION APPROVING A VARIANCE PURSUANT TO CHAPTER
9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE FOR NIGHT
TIME SURVEYING ACTIVITIES RELATED TO THE CASTLE ROCK
WATER ACOUSTIC SEWER LINE ASSESSMENT PROGRAM**

WHEREAS, Section 9.16.030.A. of the Castle Rock Municipal Code (“CRMC”) provides that “[n]o person shall make, continue or cause to made or continued, any noise disturbance, including, but not limited to, the specific noise disturbances prohibited in Subsection B of this Section”; and

WHEREAS, CRMC Section 9.16.030.B.5. expressly prohibits “operating or permitting the operation of any tools or equipment in connection with construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 6:00 p.m. and 8:00 a.m. on weekends or holidays such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for ... work exempted ... by variance issued pursuant to Subsection 9.16.070.E.”; and

WHEREAS, Castle Rock Water has made application for a variance to the Town’s noise ordinance pursuant to Chapter 9.16.070.E of the Castle Rock Municipal Code, for the purpose of allowing its contractor, DRC Construction, to conduct sewer main condition surveys for Castle Rock Water’s Acoustic Sewer Line Assessment Program; and

WHEREAS, to minimize inconvenience to the public, Castle Rock water anticipates that night work will be necessary in the Downtown area, including Wilcox, Perry, and Jerry Streets and Wolfensberger Road, which work is planned to be conducted over a two-day period from 7:00 p.m. to 7:00 a.m.; and

WHEREAS, the Town Council finds that the activity will be of temporary duration and even with the application of the best available control technology, the sewer main condition surveys cannot be done in a manner that would comply with Chapter 9.16.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Approval. The application for a variance from Castle Rock Water is hereby approved subject to the following restrictions:

- a. The variance shall be in effect between December 11, 2023, and January 31, 2024. This time period may be extended by up to 30 days at the discretion of the Director of Castle Rock Water, if necessary to complete sewer main condition surveys undertaken pursuant to the Acoustic Sewer Line Assessment Program.

- b. The variance shall apply only to work performed for the purpose of conducting sewer main condition surveys. Any other work undertaken pursuant to the Acoustic Sewer Line Assessment Program shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

PASSED, APPROVED AND ADOPTED this 5th day of December, 2023, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director, Castle Rock Water