

**RESOLUTION NO. 2023-037**

**A RESOLUTION APPROVING A VARIANCE PURSUANT TO  
CHAPTER 9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE  
FOR NIGHTTIME CONSTRUCTION ACTIVITIES RELATED TO THE  
2023 PAVEMENT MAINTENANCE PROGRAM AND THE 2023  
CAPITAL IMPROVEMENT 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 “[o]perating 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**, the Town’s Public Works Department has made an application for a variance (the “Variance”) to the Town’s noise ordinance pursuant to CRMC Chapter 9.16.070.E necessary for nighttime construction activities related to the 2023 Pavement Maintenance Program and the 2023 Capital Improvement Program; and

**WHEREAS**, to minimize inconvenience to the public and mitigate traffic impacts including, but not limited to, peak hour traffic times, the Public Works Department anticipates that night work is necessary; 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 maintenance cannot be done in a manner that would comply with Chapter 9.16 without approval of a nighttime construction activities variance.

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

**Section 1. Approval.** Town Council hereby approves the application for the Variance for the 2023 Pavement Maintenance Program beginning May 1, 2023, subject to the following restrictions:

1. The Variance shall be in effect from May 1, 2023, at 6:00 p.m., to August 31, 2023, at 11:59 p.m. The Variance allows for weekday work to occur between 7:00 p.m. and 7:00 a.m. Further, the Variance allows for overnight work to occur between 6:00 p.m. and 8:00 a.m. on weekends or holidays. This time period may be extended for up to one additional month to then expire no later than September 30, 2023, at 11:59 p.m.,

at the discretion of the Director of Public Works, if such extension is reasonably necessary to complete work undertaken for the 2023 Pavement Maintenance Program.

2. The Variance shall apply only to maintenance work performed for pavement marking, pavement maintenance, pavement removal, pavement repairs, concrete repairs, roadway construction, street sweeping, and asphalt mill and overlay. Any other construction work shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

**Section 2. Approval.** Town Council hereby approves the application for the Variance for the 2023 Capital Improvement Program beginning May 1, 2023, subject to the following restrictions:

1. The Variance shall be in effect from May 1, 2023, at 6:00 p.m., to May 31, 2024, at 11:59 p.m. The Variance allows for weekday work to occur between 7:00 p.m. and 7:00 a.m. Further, the Variance allows for overnight work to occur between 6:00 p.m. and 8:00 a.m. on weekends or holidays. This time period may be extended for up to one additional month to then expire no later than June 30, 2024, at 11:59 p.m., at the discretion of the Director of Public Works, if such extension is reasonably necessary to complete work undertaken for the 2023 Capital Improvement Program.
2. The Variance shall apply only to work related to the Crystal Valley Parkway Roundabout Project, the Four Corners Intersection Improvements Project, and the Plum Creek Parkway Widening Phase 2 Project, for pavement marking, pavement maintenance, pavement removal, pavement repairs, roadway construction, street sweeping, concrete repairs, and asphalt mill and overlay. Any other construction work shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

**PASSED, APPROVED AND ADOPTED** this \_\_ day of March, 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

\_\_\_\_\_  
Daniel Sailer, Director of Public Works