

RESOLUTION NO. 2025-__

**A RESOLUTION APPROVING VARIANCES PURSUANT TO CHAPTER
9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE FOR
NIGHTTIME CONSTRUCTION ACTIVITIES RELATED TO VARIOUS
2025 PUBLIC WORKS PROJECTS**

WHEREAS, Castle Rock Municipal Code (“CRMC”) Section 9.16.030.A provides that “[n]o person shall make, continue or cause to be 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 applications for variances to the Town’s noise ordinance pursuant to CRMC Chapter 9.16.070.E (the “Variances”) for nighttime construction activities related to the 2025 Pavement Maintenance Program, 2025 Town Facility Parking Lot Improvement Program, 2025 Bridge Maintenance Program, 2025 Pavement Marking Maintenance Program, and 2025 Capital Improvement Program (the “Projects”); and

WHEREAS, the Town Council has determined that completing the Projects during daytime hours to maintain compliance with CRMC Section 9.16.030.A would cause undue hardship to the traveling public, and night work for the Projects is necessary to minimize inconvenience to the public and mitigate traffic impacts during, but not limited to, peak hour traffic times; and

WHEREAS, the Town Council finds that the Projects are of temporary duration and, even with the application of the best available control technology, the Projects cannot be done in a manner that would comply with CRMC Chapter 9.16 without approval of nighttime construction activities variances, and there is no reasonable alternative available to the Town’s Public Works Department.

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

Section 1. Approval. Town Council hereby approves the application for a Variance for the 2025 Pavement Maintenance Program beginning May 1, 2025, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2025, at 6:00 p.m., to August 31, 2025, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and 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, 2025, 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 2025 Pavement Maintenance Program.

- B. 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 maintenance work shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

Section 2. Approval. The Town Council hereby approves the application for a Variance for the 2025 Town Facility Parking Lot Improvement Program beginning May 1, 2025, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2025, at 6:00 p.m., to September 30, 2025, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and 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 October 31, 2025, 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 2025 Town Facility Parking Lot Improvement Program.
- B. The variance shall apply only to work performed for the maintenance and improvement of parking lots located at Town facilities. Any other work shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

Section 3. Approval. Town Council hereby approves the application for a Variance for the 2025 Bridge Maintenance Project beginning July 1, 2025, subject to the following restrictions:

- A. The Variance shall be in effect from July 1, 2025, at 6:00 p.m., to August 31, 2025, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and 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, 2025, 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 2025 Bridge Maintenance Project.
- B. The Variance shall apply only to work performed on the North Meadows Bridge over Colorado Highway 85. Any other construction work shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

Section 4. Approval. Town Council hereby approves the application for a Variance for the 2025 Pavement Marking Maintenance Program beginning May 1, 2025, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2025, at 6:00 p.m., to August 31, 2025, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and 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, 2025, 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 2025 Pavement Marking Maintenance Program.
- B. The Variance shall apply only to maintenance work generally consisting of the re-application of existing pavement markings, grinding, thermo plastic installation and the installation of new pavement markings. Any other maintenance work shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

Section 5. Approval. Town Council hereby approves the application for a Variance for the 2025 Capital Improvement Program beginning May 1, 2025, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2025, at 6:00 p.m., to August 31, 2025, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and 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, 2025, 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 2025 Capital Improvement Program.
- B. The Variance shall apply only to work performed for Crystal Valley Interchange Project, Dawson Trails Boulevard Project, Crowfoot Valley Road Widening Project, and Fifth Street Improvement Project. Any other construction work shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2025, by the Town Council of the Town of Castle Rock 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