

RESOLUTION NO. 2021-_____

**RESOLUTION APPROVING A VARIANCE PURSUANT TO CHAPTER
9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE FOR NIGHT
TIME CONSTRUCTION ACTIVITIES RELATED TO THE 2021
PAVEMENT MAINTENANCE PROGRAM, 2021 TOWN FACILITY
PARKING LOT IMPROVEMENT PROGRAM, AND 2021 CAPITAL
IMPROVEMENT PROGRAM PROJECTS**

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 of Castle Rock’s Public Works Department 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, necessary for the 2021 Pavement Maintenance Program, 2021 Town Facility Parking Lot Improvement Program, and 2021 Capital Improvement Program Projects; and

WHEREAS, to minimize inconvenience to the public, the Public Works Department anticipates that night maintenance 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.

**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 the Town of Castle Rock’s Public Works Department beginning April 1, 2021, is hereby approved subject to the following restrictions:

- a. The variance shall be in effect between April 1, 2021, and November 30, 2021. This time period may be extended by up to one month at the discretion of the Public Works Director, if necessary to complete work undertaken pursuant to the 2021 Pavement Maintenance Program, 2021 Town Facility Parking Lot Improvement Program, and/or 2021 Capital Improvement Program Projects.

- b. The variance shall apply only to maintenance work performed for pavement marking, pavement maintenance, pavement repairs, roadway construction, street sweeping, and asphalt mill and overlay. Any other work shall comply with the noise restrictions set forth in Chapter 9.16 of the Castle Rock Municipal Code.

PASSED, APPROVED AND ADOPTED this 2nd day of March, 2021, 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