



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 PM

October 14, 2024

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor: Raps Gavel

"I CALL TO ORDER THE REGULAR BUSINESS MEETING OF THE LAKEWOOD CITY COUNCIL ON Month XX, 20XX AT _ : _ P M. TO CONNECT TO THE COUNCIL MEETING, PLEASE USE ONE OF THE FOLLOWING LINKS AT Lakewoodspeaks.org OR Lakewood.org/CouncilVideos FOR ONLINE PUBLIC COMMENTS, YOU MAY POST COMMENTS OF ANY LENGTH TO LAKEWOODSPEAKS.ORG, AN ONLINE FORUM FOR PUBLIC COMMENTS. WE ARE LEAVING ONLINE PUBLIC COMMENTS OPEN DURING THE COUNCIL MEETING AND THROUGH 10 AM TOMORROW MORNING. ANYONE WHO WOULD LIKE TO ADDRESS THE CITY WILL BE GIVEN THE OPPORTUNITY DURING GENERAL PUBLIC COMMENT, WITH A LIMIT OF THREE MINUTES. "

ITEM 2 – ROLL CALL

"WILL THE CLERK PLEASE CALL THE ROLL?"

ITEM 3 – PLEDGE OF ALLEGIANCE

Mayor: "IF YOU ARE ABLE TO STAND, PLEASE DO SO FOR THE PLEDGE OF ALLEGIANCE, AND REMAIN STANDING FOR A MOMENT OF SILENT PRAYER."

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

MAYOR READS:

"All members of the City Council have the responsibility to comply with the terms of Charter 7.2(b) and excuse themselves from voting on any matter in which they determine they have a personal, financial, or business interest. The City Council is empowered by Charter 7.2(b) to agree by unanimous vote (excluding the member at issue) to excuse any member of the Council from voting on a matter in which they determine such member has

a personal, financial, or business interest.”

ITEM 5 – RECOGNIZING THE WEST METRO FIRE DEPARTMENT

ITEM 6 – NOISE POLLUTION RESEARCH FROM THE LAKEWOOD ADVISORY COMMISSION (LAC)

ITEM 7 – REPORT – COMPREHENSIVE PLAN PRESENTATION

ITEM 8 – INITIAL PUBLIC COMMENT

Public Comments on Lakewood Speaks: __

Mayor “THIS IS THE POINT IN THE MEETING WHERE THE PUBLIC IS INVITED TO ADDRESS THE CITY COUNCIL ON ITEMS THAT DID NOT APPEAR ON THE AGENDA. ALL COMMENTS SHOULD BE DIRECTED TO THE CITY COUNCIL. ”

“I ASK THAT ALL IN ATTENDANCE OBSERVE THE DECORUM OF THE CITY COUNCIL CHAMBERS AND REFRAIN FROM APPLAUSE OR AUDIBLE SUPPORT OR DISCORD WITH THE SPEAKER OR COUNCIL.”

“IF YOU HAVE ANY HANDOUTS FOR THE COUNCIL, PLEASE PROVIDE THEM DIRECTLY TO THE CITY CLERK AND THEY WILL BE DISTRIBUTED TO THE COUNCIL FOLLOWING THE MEETING.”

“I WILL READ THE NAMES FROM THE PUBLIC COMMENT SIGN-IN SHEET. ”

“IF YOU HAVE NOT SIGNED UP TO SPEAK, PLEASE SEE THE DEPUTY CITY CLERK TO SIGN-IN. JUST AS A REMINDER, YOUR CONTACT INFORMATION ON THE SIGN-IN SHEET MAY BE USED BY STAFF TO HELP ANSWER ANY QUESTIONS OR CONCERNS THAT YOU RAISED TO THE COUNCIL THIS EVENING.”

(FOR ONLINE PUBLIC COMMENT) “FOR ANYONE ATTENDING VIRTUALLY, YOU CAN LEAVE PUBLIC COMMENTS ON LAKEWOOD SPEAKS UNTIL 10 AM TOMORROW”

(FOR ANYONE SPEAKING) “PLEASE STATE YOUR NAME AND WARD, AND LIMIT YOUR COMMENTS TO THREE MINUTES”

(ONCE PUBLIC COMMENT FINISHES) “IS THERE ANYONE ELSE IN CHAMBERS WHO WISHES TO SPEAK?”

CONSENT AGENDA ORDINANCES ON FIRST READING

Mayor: “ARE THERE ANY ITEMS REQUESTED TO BE REMOVED FROM THE CONSENT AGENDA?”

(COUNCILORS REMOVE ITEMS FROM THE CONSENT AGENDA)

Mayor: “WILL THE CITY CLERK PLEASE READ THE CONSENT AGENDA (AS AMENDED) INTO THE RECORD?”

Mayor: “DO WE HAVE A MOTION FOR THE CONSENT AGENDA?”
(BEFORE VOTING) “IS THERE ANYONE WHO WISHES TO SPEAK ON THE
CONSENT AGENDA? IF NOT, THE PUBLIC COMMENT IS CLOSED.”
(FOR ANYONE SPEAKING) “PLEASE STATE YOUR NAME AND WARD, AND
LIMIT YOUR COMMENTS TO THREE MINUTES”
(ONCE PUBLIC COMMENT FINISHES) “IS THERE ANYONE ELSE WHO WISHES
TO SPEAK TO THESE ITEMS?”
(VOTE) “A MOTION HAS BEEN MADE AND SECONDED. IS THERE ANY
ADDITIONAL DISCUSSION ON THE MOTION?”
ANNOUNCE THE VOTE RESULTS, GIVING THE NAY VOTES BY NAME.

ITEM 9 – RESOLUTION 2024-55 – APPOINTING MEMBERS TO THE LAKEWOOD
ADVISORY COMMISSION

ITEM 10 – RESOLUTION 2024-56 – APPROVING AN INTERGOVERNMENTAL
AGREEMENT WITH THE COLORADO DEPARTMENT OF
TRANSPORTATION REGARDING THE CITY OF LAKEWOOD’S USE OF
THE COLORADO DEPARTMENT OF TRANSPORTATION’S SOLID DE-
ICER MATERIALS AND FACILITY LOCATED AT 12400 US 285 IN
MORRISON, COLORADO

ITEM 11 – RESOLUTION 2024-57 – SUPPORTING A GRANT APPLICATION TO
JEFFERSON COUNTY OPEN SPACE REQUESTING FUNDING TO
CONSTRUCT TRAIL IMPROVEMENTS IN BEAR CREEK LAKE PARK
AND AUTHORIZING THE DIRECTOR OF COMMUNITY RESOURCES TO
EXECUTE THE GRANT AGREEMENT IF APPROVED

ITEM 12 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

END OF CONSENT AGENDA

of Public Comments on Lakewood Speaks: __
(No) staff presentation on Lakewood Speaks. __
(Responsible Staff – Name, Title)

Mayor: “I WILL NOW DEFER TO CITY MANAGER KATHY HODGSON TO
INTRODUCE THIS ITEM. Staff Name, Title WILL PROVIDE THE STAFF
PRESENTATION.”

AFTER THE PRESENTATION IS FINISHED, MAYOR WILL ASK:

“DO WE HAVE A MOTION ON THIS ITEM?”

(BEFORE VOTING) “IS THERE ANYONE WHO WISHES TO SPEAK ON THIS
ITEM? IF NOT, THE PUBLIC COMMENT IS CLOSED.”

(FOR ANYONE SPEAKING) “PLEASE STATE YOUR NAME AND WARD, AND

LIMIT YOUR COMMENTS TO THREE MINUTES”
(ONCE PUBLIC COMMENT FINISHES) “IS THERE ANYONE ELSE WHO WISHES TO SPEAK TO THIS ITEM?”
THE MAYOR CAN COMMENT OR ASK FOR COMMENTS/QUESTIONS FROM COUNCIL MEMBERS.
AT THE CONCLUSION OF COUNCIL COMMENTS/QUESTIONS, MAYOR WILL ASK:
“A MOTION HAS BEEN MADE AND SECONDED. IS THERE ANY ADDITIONAL DISCUSSION ON THE MOTION?”
ANNOUNCE THE VOTE RESULTS, GIVING THE NAY VOTES BY NAME.

Mayor: “WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?”

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 13 – ORDINANCE O-2024-26 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS AT THE NORTHEAST CORNER OF WEST JEWELL AVENUE AND HOYT STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

of Public Comments on Lakewood Speaks: __
(No) staff presentation on Lakewood Speaks.
(Responsible Staff – Name, Title)

Mayor: Staff Name, Title WILL PROVIDE THE STAFF PRESENTATION.”
AFTER THE PRESENTATION IS FINISHED, MAYOR WILL ASK:
“DO WE HAVE A MOTION ON THIS ITEM?”
(BEFORE VOTING) “IS THERE ANYONE WHO WISHES TO SPEAK ON THIS ITEM? IF NOT, THE PUBLIC COMMENT IS CLOSED.”
(FOR ANYONE SPEAKING) “PLEASE STATE YOUR NAME AND WARD, AND LIMIT YOUR COMMENTS TO THREE MINUTES”
(ONCE PUBLIC COMMENT FINISHES) “IS THERE ANYONE ELSE WHO WISHES TO SPEAK TO THIS ITEM?”
THE MAYOR CAN COMMENT OR ASK FOR COMMENTS/QUESTIONS FROM COUNCIL MEMBERS.
AT THE CONCLUSION OF COUNCIL COMMENTS/QUESTIONS, MAYOR WILL ASK:
“A MOTION HAS BEEN MADE AND SECONDED. IS THERE ANY ADDITIONAL DISCUSSION ON THE MOTION?”
ANNOUNCE THE VOTE RESULTS, GIVING THE NAY VOTES BY NAME.

Mayor: "WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?"

ITEM 14 – GENERAL PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

Public Comments on Lakewood Speaks: __

Mayor "THIS IS THE POINT IN THE MEETING WHERE THE PUBLIC IS INVITED TO ADDRESS THE CITY COUNCIL ON ITEMS THAT DID NOT APPEAR ON THE AGENDA. ALL COMMENTS SHOULD BE DIRECTED TO THE CITY COUNCIL. "

"I ASK THAT ALL IN ATTENDANCE OBSERVE THE DECORUM OF THE CITY COUNCIL CHAMBERS AND REFRAIN FROM APPLAUSE OR AUDIBLE SUPPORT OR DISCORD WITH THE SPEAKER OR COUNCIL."

"IF YOU HAVE ANY HANDOUTS FOR THE COUNCIL, PLEASE PROVIDE THEM DIRECTLY TO THE CITY CLERK AND THEY WILL BE DISTRIBUTED TO THE COUNCIL FOLLOWING THE MEETING."

"I WILL READ THE NAMES FROM THE PUBLIC COMMENT SIGN-IN SHEET. "

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(FOR ONLINE PUBLIC COMMENT) "FOR ANYONE ATTENDING VIRTUALLY, YOU CAN LEAVE PUBLIC COMMENTS ON LAKEWOOD SPEAKS UNTIL 10 AM TOMORROW"

(FOR ANYONE SPEAKING) "PLEASE STATE YOUR NAME AND WARD, AND LIMIT YOUR COMMENTS TO THREE MINUTES"

(ONCE PUBLIC COMMENT FINISHES) "IS THERE ANYONE ELSE IN CHAMBERS WHO WISHES TO SPEAK?"

ITEM 15 – GENERAL BUSINESS

Mayor: "THERE ARE NO ITEMS UNDER GENERAL BUSINESS."

or "WE WILL NOT ADDRESS ITEMS UNDER GENERAL BUSINESS. THE FIRST ITEM IS..."

A. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM

Mayor: "WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?"

B. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM

Mayor: "WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?"

C. COUNCIL REQUEST - COUNCILOR CRUZ

Mayor: **“WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?”**

D. COUNCIL REQUEST - COUNCILORS NYSTROM AND OLVER

Mayor: **“WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?”**

E. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM

Mayor: **“WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?”**

ITEM 16 – EXECUTIVE REPORT

A. CITY MANAGER

ITEM 17 – MAYOR AND CITY COUNCIL REPORTS

A. MAYOR

B. COUNCIL MEMBERS BY WARD

ITEM 18 – ADJOURNMENT

**“THERE BEING NO FURTHER BUSINESS TO COME BEFORE CITY COUNCIL, I
ADJOURN THIS MEETING AT __:__ P.M.”**

FOR ITEMS REMOVED FROM THE CONSENT AGENDA:

Mayor: **“WILL THE CITY CLERK PLEASE READ ITEM #__ INTO THE RECORD?”**

“DO WE HAVE A MOTION ON THIS ITEM?”

**(BEFORE VOTING) “IS THERE ANYONE WHO WISHES TO SPEAK ON THIS
ITEM? IF NOT, THE PUBLIC COMMENT IS CLOSED.”**

**(FOR ANYONE SPEAKING) “PLEASE STATE YOUR NAME AND WARD, AND
LIMIT YOUR COMMENTS TO THREE MINUTES”**

**(ONCE PUBLIC COMMENT FINISHES) “IS THERE ANYONE ELSE WHO WISHES
TO SPEAK TO THESE ITEMS?”**

**THE MAYOR CAN COMMENT OR ASK FOR COMMENTS/QUESTIONS FROM
COUNCIL MEMBERS.**

**AT THE CONCLUSION OF COUNCIL COMMENTS/QUESTIONS, ASK:
“A MOTION HAS BEEN MADE AND SECONDED. IS THERE ANY ADDITIONAL
DISCUSSION ON THE MOTION?”**

ANNOUNCE THE VOTE RESULTS, GIVING THE NAY VOTES BY NAME.

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 5

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Proclamation for Indigenous Peoples Day**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 6

To: Mayor and City Council

From:

Subject: **Recognizing the West Metro Fire Department**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

Lakewood Advisory Commission

Noise Pollution

Neighborhoods Subcommittee

Date: 06/12/2023 - 10/14/2024

LAC Grassroots Lakewood City Council Approved Study of Noise Pollution

EXECUTIVE SUMMARY : NOISE POLLUTION

The LAC grassroots research proposal regarding noise pollution was approved on June 12, 2023, by the Lakewood City Council, and the research study was assigned to the Neighborhoods Subcommittee.

KEY FINDINGS OF THE STUDY CATEGORIES

Health Effects of Noise Pollution

Noise pollution is an increasing public health problem leading to physical and behavioral health issues. Health issues are costly, imposing a multi-billion dollar burden on the economy each year, here are just a few: hearing loss, tinnitus, heart disease, stress, high blood pressure, headaches, disturbance of rest and sleep, chronic fatigue, depression, anxiety and aggressive behavior. For some Veterans and other Survivors of trauma, fireworks noise pollution can cue memories of traumatic events, causing unimaginable pain.

Recommendation : That the City of Lakewood Municipal codes, ordinances, laws, policies and procedures be reviewed and address noise pollution as a serious offense against public peace, health and wellbeing.

(See COMPLETE SUMMARY AND RECOMMENDATIONS # 1)

Airport, Highway, Demolition and Construction, Equipment and Motor Vehicle Noise Pollution

Noise from air and road traffic, gas powered landscaping equipment and demolition / construction noise are all damaging to our health and well-being. Just ask the residents in Ward 1 who live next to the current over two and a-half year ongoing demolition / construction project that Colorado Christian University has going on. Projects like this, permitted by Lakewood, should require a noise plan. Best practice noise plans include: noise monitoring, heavy truck routing, temporary noise abatement measures, noise complaint hotlines, project noise limits, requirements that onsite equipment be well maintained and timely focused enforcement of fines for noise plan violations.

Motorcycles, loud vehicle stereos and vehicle aftermarket mufflers are some of the noisiest elements in the traffic stream. Research shows that only 5 to 10 percent of people bothered by any type of noise pollution will file an official complaint. The Department of Justice and other research confirms there is a relationship between boombox car noise, guns, drugs, gangs, and crime. Elkhart, Indiana's noise control officer did more drug busts than any other Elkhart police officer, and he was investigating noise complaints, not drugs. Research shows that anti noise pollution programs are a great tool to reduce crime, yet many cities and police departments do not take noise seriously or enforce noise laws.

Recommendation: That the City of Lakewood stay informed about metro area airports (especially Rocky Mountain Metropolitan Airport in Jefferson County) regarding aviation noise and air pollution; and to stay informed about current/future FAA routes that impact Lakewood regarding aviation noise and abatement steps that are in process.

Recommendation: That the City of Lakewood municipal codes, ordinances, laws, policies and procedures regarding demolition / construction noise be reviewed and modified to reflect best practice, including demolition and construction noise plan requirements with quick fine enforcement of plan violations.

Recommendation: That the City of Lakewood stay informed about road paving technology and begin implementing low-noise paving materials, aimed at reducing noise levels by several decibels. When possible, work with other government agencies or building initiatives to build noise protections as a part of the construction project (barriers along roads, et al).

Recommendation: That the City of Lakewood develop creative incentives for residents and business owners to update landscaping machinery/tools that emit less noise and air pollution.

Recommendation: That the City of Lakewood municipal codes, ordinances, laws, policies and procedures regarding motorized vehicle (auto, truck, motorcycle, etc.) muffler and other vehicular noise (boom box, jake brakes, etc.) be reviewed and changed for best practice, including best practice for violation enforcement.

(See COMPLETE SUMMARY AND RECOMMENDATIONS # 2-6)

Parks, Illegal Fireworks, High Density Residential and Commercial Areas and Outdoor Recreation Noise Pollution

Some sources say Pickleball courts need to be a minimum of 500 feet away and other sources say a minimum of 1,000 feet or further away from residential areas. Other outdoor sports fields/courts need to take noise pollution into account for successful locations. Illegal fireworks put people in physical danger, are potential fire hazards and for trauma survivors and animals, may trigger extreme distress and suffering. Urban residential densification noise has been identified in a large number of studies as a significant contributor to social unrest; as well as a risk to physiological and psychological health. Research shows there is a psychological rebound effect of urban residential noise; some of those effects might be invisible but not insignificant.

Recommendation: That the City of Lakewood assess the location of outdoor recreational courts, fields, exercise areas, etc. in Lakewood Parks for noise pollution issues; when noise issues are present, plan and complete best practice mitigation as soon as possible; and moving forward ensure that noise pollution effects are considered before the placement of any new outdoor recreational sites / locations.

Recommendation: That the City of Lakewood review and modify municipal codes, ordinances, laws, policies and procedures regarding illegal fireworks for best practice; and develop an effective enforcement process to stop the use of illegal fireworks, including the purchase and use of drones.

Recommendation: That the City of Lakewood assess the unintended consequences of densification regarding noise pollution; that psychological and physiological health be considered in planning new residential/commercial developments. Building regulations for interior noise may currently be insufficient for mitigating disturbance; it is arguable that buildings should be designed for the “worst-case

scenario” so as to pre-empt the most disagreeable conditions rather than designed assuming considerate and amicable neighbors. Owners of older buildings need to be incentivized to bring their buildings up to acceptable noise regulation standards.

(See COMPLETE SUMMARY AND RECOMMENDATIONS # 7-9)

Measurement of Noise Pollution

Best practice for measurement of noise pollution involves two approaches: utilizing the “plainly audible” standard, which has been repeatedly upheld in courts, for mobile and transient sources of noise, as examples: loud mufflers / vehicle boom boxes; and the decibel measurement method for sources of noise pollution less mobile and transient, as examples: concert venues / construction sites). Noise/speed monitoring cameras are a measurement/enforcement tool that can help cities address noise pollution and speed.

Recommendation: That the City of Lakewood purchase sound pressure / sound level meters for law enforcement to use for decibel measurement, where established decibel levels are preferred for measurement / enforcement purposes. That the City of Lakewood purchase speed / noise monitoring cameras for measurement / enforcement of other types of noise pollution violations.

(See COMPLETE SUMMARY AND RECOMMENDATIONS #10)

Comparisons of City Noise Ordinances and Best Practice

Best practice noise ordinances include certain elements that establish what a noise maker cannot do rather than what a noise maker can do. See pages 8 and 29 of the document for these elements. Ordinances need to include the plainly audible standard, the “ten-foot rule” (and other distances), decibel levels for certain noise violations, violation fines that will make an impact on violators and ensuring that adequate resources are delegated to enforce noise ordinances.

Recommendation: It is recommended that the City of Lakewood’s municipal codes, ordinances, laws, policies and procedures be reviewed and updated to reflect best practice, utilizing the plainly audible standard for many noise violations and to include decibel thresholds for some noise violations; imposing fines for violations and designating adequate resources for enforcement.

Recommendation: It is recommended that the City of Lakewood’s municipal codes, ordinances, laws, policies and procedures regarding vehicle/motorcycle noise (mufflers, vehicle working condition, boom boxes, etc.), demolition / construction noise, illegal fireworks and firearms noise, facility and outdoor events noise and residential / commercial neighbor noise, all be specifically reviewed and modified to reflect best practice, including violation fines and enforcement procedures.

(See COMPLETE SUMMARY AND RECOMMENDATIONS #11-12)

Enforcement of Noise Pollution Ordinances

Elkhart, Indiana’s noise reduction efforts and similar efforts in other Cities, have had success with decreasing noise pollution. Education about noise, best practice noise ordinances, fines for violations of noise ordinances and delegating adequate resources for enforcement are keys to success. Use of technology, such as speed and noise cameras, sound pressure/sound level meters and drones can all play a part in ordinance enforcement. Citizen Noise Inspectors, Police Agents, Special Officers, Code

Enforcement Officers, Health Inspectors, Veterans, Service Organizations, Citizen's Police Academy Graduates, Volunteers and others could all share a part with enforcement. Research shows that lowering tolerance levels for noise violations by imposing significant fines and penalties for violations is effective.

Recommendation: That the appropriate City of Lakewood Staff study the noise reduction program success that Elkhart Indiana and other similar programs in other Cities, have had on decreasing noise pollution; and that lessons learned from these programs guide changes to Lakewood's municipal codes, ordinances, laws, policies and procedures regarding noise pollution including enforcement of noise violations.

(See COMPLETE SUMMARY AND RECOMMENDATIONS #13)

REASONS NOT TO ADDRESS NOISE POLLUTION

Please see pages 37 - 38 for the above research.

COMPLETE STUDY BACKGROUND:

An LAC grassroots research proposal regarding the study and effects of noise pollution on City Residents was raised in the LAC and subsequently assigned to the Neighborhoods Subcommittee. The proposal was approved by the Executive Committee and then the full Commission of the Lakewood Advisory Commission. On June 12, 2023, in the Lakewood City Council Meeting, the proposal was presented to the Councilors (Agenda Item No. 7) and the Councilors approved the proposal as a research assignment.

Lakewood neighborhoods are negatively impacted by noise pollution on a daily basis. The Denver Metro Area (reported by Axios news 08/24/2023), not only has some of the worst air quality in the U.S. but ranks as the fourth noisiest among mid-sized U.S. cities. There is a growing body of evidence based research (Harvard T.H. Chan School of Public Health, February 2, 2023) that noise pollution has both temporary and permanent effects on both physical and behavioral health.

As the population increases and expanding metropolitan areas with more efficient modes of transportation continue to push higher density residential and commercial communities further into areas formerly characterized as more rural, noise pollution will likely become a more prominent issue for all local communities and their governments. Noise produced by human activities has been increasingly recognized as a serious and growing environmental and health problem.

The Neighborhoods Subcommittee of the Lakewood Advisory Commission studied the following: health effects of noise pollution; airport, highway, demolition/construction, equipment and motor vehicle noise pollution; parks, illegal fireworks, high density residential/commercial areas and outdoor recreation noise pollution; measurement of noise pollution; comparisons of city noise ordinances and best practice and enforcement of noise pollution ordinances.

COMPLETE STUDY SUMMARY AND RECOMMENDATIONS:

Health Effects of Noise Pollution

(see Appendix and Research Links: Health Effects of Noise Pollution, for more information)

Noise pollution is an increasing public health problem that can lead to a variety of physical and behavioral health problems, contributing to: sleep disturbance; stress; mental health problems; aggressive behavior and/or an inability to regulate emotion; chronic fatigue, hearing loss; tinnitus; high blood pressure;

interference with speech; headaches; productivity loss and a reduction in one's quality of life. Even moderate levels of noise can heighten anxiety, decrease the incidence of cooperative behavior and increase the risk of hostile behavior. For some Veterans and some Survivors of trauma, fireworks can cue memories of traumatic events, causing unimaginable pain. Animals are also traumatized by noise pollution. Mental and behavioral illness is costly and imposes a multi-billion dollar burden on the United State's economy each year.

Recommendation 1): That the City of Lakewood Municipal codes, ordinances, laws, policies and procedures be reviewed and address noise pollution as a serious offense against public peace, health and wellbeing.

Airport, Highway, Demolition and Construction, Equipment and Motor Vehicle Noise Pollution
(see Appendix and Research Links: Airport, Highway, Demolition and Construction, Equipment and Motor Vehicle Noise Pollution for more information)

Aviation noise is loud and intermittent and has strong low frequency components that carry loud noise long distances and through walls and windows, much like a boom box. Aviation emissions are associated with higher rates of cancer, lung, and heart disease and increased hospital admissions for adults and children. Road traffic noise affects the health and well-being of millions of people and newer road paving technology is being developed aimed at reducing noise levels by several decibels to lessen road noise. (Arline L. Bronzaft, Quiet Communities 03/13/2024).

Demolition and construction related noise pollution elevates blood pressure in adults and disrupts the routines of wildlife (How to Prevent Noise Pollution in Construction, BigRentz, 05/21/2021). A demolition / construction noise plan between demolition / construction companies and Cities is best practice. These plans need to detail mitigation needs and abatement measures employed during demolition / construction activities. Detailed discussion of the impacts and mitigation measures is necessary for any project. Demolition / construction plans include, but are not limited to, demolition / construction noise monitoring, heavy truck routing, temporary noise abatement measures, noise complaint hotlines, project demolition / construction noise limits and quick focused fine enforcement of plan violations. The current ongoing two and a-half year demolition and construction project that Colorado Christian University has been doing next to residential communities in Ward 1, is an example of where this kind of planning, monitoring and enforcement of violation fines should happen.

Certain types of landscaping equipment present a variety of environmental and health concerns. These include greenhouse gas (GHG) emissions, **noise** and air pollution (City of Boulder, Carolyn Elam, Addressing the Impacts of Landscaping Equipment, 2024). According to the Environmental Protection Agency (EPA), a typical gas lawn mower produces as much air pollution in one hour as 11 cars. Noise pollution is also a byproduct of gas lawn equipment. The constant drone of lawnmowers can be detrimental to hearing and be a source of disruption for communities, as well as wildlife (The Momentum, 2022). Electric mowers are easier on the ears. The general decibel level of an electric mower is about 75 dB, while gas mowers are around 95 dB. It may not sound like much, but it's comparable to the noise of a running washing machine to the sound of a motorcycle. (Electric vs. Gas Lawn Mowers – The Key Differences, Jemma Petts, Tractor Supply Co., Feb 22, 2024)

Concerns about loud car stereos: 1) they annoy some people, and 2) they inhibit drivers' ability to hear emergency signals on the road. Loud car stereos can activate some car alarms. In some cities, drug dealers advertise by cruising neighborhoods with the car stereo turned up loud. The problem of loud car stereos is more widespread than a simple tally of complaints would reveal, as perhaps only 5 to 10 percent of people bothered by any type of noise will file an official complaint. Research has shown that the

volume of official complaints about loud car stereos might indicate the existence of a problem, but not necessarily how intense or widespread it is (U.S Department of Justice, Office of Community Oriented Policing Services, Problem-Oriented Guides for Police Problem-Specific Guides Series, No.7 Loud Car Stereos, Michael S. Scott, August 2004).

All highway and off-road motorcycles manufactured since 1983 are regulated by Federal Law under the authority of the Noise Control Act of 1972, which is still in effect. Federal regulation 40 CFR §205, parts D&E regulates their total noise emissions. It also regulates their mufflers and requires motorcycles to be equipped with EPA-approved mufflers at all times while they are in the United States. It is a violation of Federal Law to tamper with the emission control devices of motorcycles. The most common form of illegal tampering is removing factory equipped EPA-approved mufflers and replacing them with after-market mufflers or entire exhaust systems that are not EPA-approved. They are designed to increase the exhaust noise of motorcycles. The EPA stated that motorcycles with either modification listed above could easily increase noise emissions to over 100 dBA (Noise Free America, Motorcycle Noise, 2021). Although **motorcycles only account for two or three percent** of total vehicular traffic mileage, and because they are presently among the **noisiest vehicles in the traffic stream, any reductions in motorcycle noise would have a significant impact** upon overall traffic noise and benefit the public. Research shows that many cities and police departments do not take the issue seriously and do not have the will to enforce motor vehicle noise laws. Although establishing prohibited decibel levels in noise pollution regulations has its place in some instances, levels expressed in decibels is not the best way to address mobile and transient sources of noise such as motorcycles.

Employing a decibel-level based approach for **certain** noise and noise levels is appropriate. The simple observation of excessive or unusual noise emitted and plainly audible by a loud motorcycle provides the police with valid probable cause to stop and ticket its operator. That simple enforcement criterion has been upheld by the appellate courts as both objective and constitutional. (Noise Free America, Motorcycle Noise, 2021).

Noise pollution problems that law enforcement officers are also frequently called upon to address include: barking dogs; loud vehicle mufflers; loud parties and loud stereos in residences; loud "boom boxes" (portable radios and tape players); loud music in bars and nightclubs; audible alarms from buildings and vehicles; loud power equipment (e.g. construction equipment, leaf blowers, lawn mowers); and loud vehicles involved in street cruising and street racing. Enforcement of statutes and ordinances that prohibit noise that is plainly audible have advantages, as many courts have upheld the plainly audible standard for a noise ordinance in the face of legal challenges. **Research indicates that lowering tolerance levels for noise violations by imposing significant fines and penalties for violations is effective.**

Recommendation 2): That the City of Lakewood stay informed about metro area airports (especially Rocky Mountain Metropolitan Airport in Jefferson County) regarding aviation noise and air pollution; and to stay informed about current/future FAA routes that impact Lakewood regarding aviation noise and abatement steps that are in process.

Recommendation 3): That the City of Lakewood municipal codes, ordinances, laws, policies and procedures regarding demolition / construction noise be reviewed and modified to reflect best practice, including demolition and construction noise plan requirements with quick fine enforcement of plan violations.

Recommendation 4): That the City of Lakewood stay informed about road paving technology and begin implementing low-noise paving materials, aimed at reducing noise levels by several decibels. When possible, work with other government agencies or building initiatives to build noise protections as a part

of the construction project (barriers along roads, et al). Anecdotal example - the new infrastructure project on 6th frontage road between Garrison and Wadsworth.

Recommendation 5): That the City of Lakewood develop creative incentives for residents and business owners to update landscaping machinery/tools that emit less noise and air pollution.

Recommendation 6): That the City of Lakewood municipal codes, ordinances, laws, policies and procedures regarding motorized vehicle (auto, truck, motorcycle, etc.) muffler and other vehicular noise (boom box, jake brakes, etc.) be reviewed and changed for best practice, including best practice for violation enforcement.

Parks, Illegal Fireworks, High Density Residential and Commercial Areas and Outdoor Recreation Noise Pollution

(see Appendix and Research Links: Parks, Illegal Fireworks, High Density Residential and Commercial Areas and Outdoor Recreation Noise Pollution for more information)

Some sources of current guidance regarding sound abatement have found that pickleball courts need to be a **minimum of 500 feet and other sources recommend a minimum of 1,000 feet or further, away from homes.** Location of other outdoor sports fields/courts need to take noise pollution into account for successful planning.

For Veterans, fireworks may cue memories of combat or explosions; for other people who are trauma Survivors and for animals, fireworks may trigger extreme distress and suffering. Local law enforcement agencies enforce state fireworks laws (Penalties for Violation of State Law, Legislative Council Staff issue brief, 08/2020). Colorado law identifies the sale or use of illegal fireworks as a Class 3 misdemeanor resulting in a fine of \$50 to \$750 and up to six months in jail. In addition, violators can have fireworks seized. **Municipalities may prescribe and enforce more severe penalties for illegal fireworks violations of their ordinances.** Illegal fireworks noise pollution in Lakewood is increasing and causing harm to the mental health, well being, safety and posing devastating fire dangers to residents.

High density residential / commercial areas are growing in the City of Lakewood. Densifying urban residential environments have both positive and negative effects. Positive social effects are offset by negative health effects, as urban residential noise has been identified in a large number of studies as a significant contributor to social unrest; as well as a risk to physiological and psychological health.

Although the negative health and psychological effects of population density for humans and animals have been extensively researched, urban density has been seen as a positive step towards meeting sustainability targets from a theoretical standpoint. Living in closer proximity could mean lower carbon emissions from transport sectors, and indeed results from a large-scale study carried out on 10,093 cities in the USA indicate that carbon emissions decrease logarithmically after a threshold of 3000 people per square mile has been reached.

However, research shows there is a psychological rebound effect of urban residential noise; some of those effects **might be invisible but not insignificant.** Biophilic and Trauma Informed housing design/architecture and building seem to be more important than ever. The environmental, physical, and psychosocial effects of urban densification need to be considered holistically, so as to ensure a sustainable future for Lakewood residents.

Recommendation 7): That the City of Lakewood assess the location of outdoor recreational courts, fields, exercise areas, etc. in Lakewood Parks for noise pollution issues; when noise issues are present,

plan and complete best practice mitigation as soon as possible; and moving forward ensure that noise pollution effects are considered before the placement of any new outdoor recreational sites / locations.

Recommendation 8): That the City of Lakewood review and modify municipal codes, ordinances, laws, policies and procedures regarding illegal fireworks for best practice; and develop an effective enforcement process to stop the use of illegal fireworks, including the purchase and use of drones.

Recommendation 9): That the City of Lakewood assess the unintended consequences of densification regarding noise pollution; that psychological and physiological health be considered in planning new residential/commercial developments. Building regulations for interior noise may currently be insufficient for mitigating disturbance; it is arguable that buildings should be designed for the “worst-case scenario” so as to pre-empt the most disagreeable conditions rather than designed assuming considerate and amicable neighbors. Owners of older buildings need to be incentivized to bring their buildings up to acceptable noise regulation standards.

Measurement of Noise Pollution

(see Appendix and Research Links: Measurement of Noise Pollution for more information)

Many Cities across the country and surrounding cities to Lakewood use technology to enforce noise ordinances, such as automated electronic Type 1, A-weighted sound pressure/sound level meters, available to law enforcement when needed to measure sound/noise. There are affordable and reliable sound level meters readily available in the marketplace that do not take an unreasonable amount of training and calibration time to use.

The Town of Morrison surveys continue to show that public safety, speed enforcement and noise enforcement are top priorities for Morrison residents. The Chief of Police and the Town Trustees agree that speeding is a safety issue; not a revenue issue in Morrison. Automated cameras are now issuing \$40 tickets to drivers who speed through Morrison. Noise-monitoring cameras are a promising new tool that can help cities address noise. The device is similar to red light cameras but is triggered by sound by using a filter designed to pick up on noisy vehicles. Data that can be collected includes the time and date of a noise violation, the vehicle type, a photo of the vehicle’s license plate and automatically can issue tickets for violations.

“Plainly audible” means any sound that can be detected by a person from vehicles, motorcycles or residences, using his or her unaided hearing faculties. A plainly audible investigation can be conducted relatively quickly, without equipment or extensive training and is based upon an objective standard which has been repeatedly upheld in court as meeting the requirements set forth by the United States Supreme Court.

Best practice for enforcement of noise ordinances involves a both/and approach, utilizing the “plainly audible” standard for enforcement as an example of mobile and transient sources of noise and decibel measurement methods for other types of enforcement.

Recommendation 10): That the City of Lakewood purchase sound pressure / sound level meters for law enforcement to use for decibel measurement, where established decibel levels are preferred for measurement / enforcement purposes. That the City of Lakewood purchase speed / noise monitoring cameras for measurement / enforcement of other types of noise pollution violations.

Comparisons of City Noise Ordinances and Best Practice

(see Appendix and Research Links: Comparisons of City Noise Ordinances and Best Practice for more information)

When a municipality undertakes to draft an ordinance to control noise, the following elements must be considered: 1.) authority to enact the ordinance; 2.) potential conflicts with state and federal constitutions; 3.) qualitative vs quantitative noise ordinances; 4.) establishment and measurement of noise levels, and 5.) specific provisions to include in the ordinance (Guidelines for Drafting Municipal Noise Control Ordinances, FindLaw, 01/30/2018). It is far better to establish what a noise maker cannot do rather than what a noise maker can do.

Local noise ordinance comparisons (Arvada, Boulder, Denver, Golden, Lakewood, and Longmont) and noise ordinances from across the United States (Municipal Noise By-Laws in the United States, 2021 and other sources) and beyond were reviewed. Qualitative ordinances, prohibiting unreasonable noise, describe the character of noise but are more subjective in nature and open to uncertainty. Quantitative ones specify the amount, using scientific standards. Maximum noise levels are usually expressed in dBA and may vary widely according to community need. In setting the sound level, the time interval and location of the noise must be considered as well. “dB(A)” means sound level in decibels measured on the “A” scale of a standard sound level meter as defined by the American National Standards Institute, Publication S1.4-1971. The World Health Organization has established standards based on similar principles.

According to Noise Free America’s research (How to Fight Noise: A Guide to Reducing Community Noise Pollution pgs. 9-11), noise ordinances should, among other things, include the plainly audible standard, the ten-foot (and other distances) rule, measurement of decibels for certain noise violations and legislate / impose fines that will make an impact on violators and ensure adequate resources are delegated to enforce ordinances.

Recommendation 11): It is recommended that the City of Lakewood’s municipal codes, ordinances, laws, policies and procedures be reviewed and updated to reflect best practice, utilizing the plainly audible standard for many noise violations and to include decibel thresholds for some noise violations; imposing fines for violations and designating adequate resources for enforcement.

Recommendation 12): It is recommended that the City of Lakewood’s municipal codes, ordinances, laws, policies and procedures regarding vehicle/motorcycle noise (mufflers, vehicle working condition, boom boxes, etc.), demolition / construction noise, illegal fireworks and firearms noise, facility and outdoor events noise and residential / commercial neighbor noise, all be specifically reviewed and modified to reflect best practice, including violation fines and enforcement procedures.

Enforcement of Noise Pollution Ordinances

(see Appendix and Research Links: Enforcement of Noise Pollution Ordinances)

Since the worst of the pandemic of 2020 many employers have moved to employees working from home, virtual meetings and work days and literally creating work schedules that exist 24 hours a day and 7 days a week. Traditional **quiet hours** no longer capture the hours needed for noise abatement. Noise pollution needs abatement 24/7. The Noise Control Act of 1972 clearly says that the primary responsibility for noise pollution control lies with State and Local governments.

The United States Department of Justice issued a report titled “Loud Car Stereos” (US Dept. of Justice, NCJRS Virtual Library 05/2002) linking boom cars to crime, drugs, and gangs. Many sociologists subscribe to the “broken windows” theory, which holds that evidence of community disorder (such as broken windows, unmowed lawns, and abandoned properties) leads to crime. Similarly, the “broken eardrums” theory holds that excessive noise lowers a community’s quality of life, lowers property values,

and creates the idea that the bad guys are in control. So noise ordinances need to be enforced for a variety of reasons including the physical and emotional/behavioral health of citizens.

Inter.noise, 2012, August 19-22, New York City discusses noise ordinances and how to enforce them. The standard of plainly audible has advantages for some ordinance enforcement. The validity of plainly audible standards have been upheld in Courts across the Nation.

Elkhart, Indiana, a town of around 54,000 near the University of Notre Dame, demonstrated the relationship between noise and quality of life (Elkhart, Indiana Noise Ordinance Yields Drugs and Weapons Arrests and Pays for Itself; NoiseFree.org 2008). The city's anti-noise program relies on active enforcement of their noise ordinances to reduce noise. The strict fines from noise enforcement generate revenues to **fund a noise enforcement officer and anti-noise publicity**. Also, the lessening noise levels have improved the community's quality of life and **reduced crime**. Then-Mayor Dick Moore told the Common Council: "We are determined to eradicate noise pollution in our city, from boom boxes, broken mufflers, train whistles, loud motorcycles and other sources by initiating a zero tolerance noise ordinance."

In one recent year, the noise control police officer issued 1,200 tickets, generating more than \$273,000 in fines. In two years, noise fines have generated more than \$400,000. The fines not only deter noise and punish noisemakers; they also fund the anti-noise program. Noise fine revenues have been used to equip a Ford Mustang as an unmarked police vehicle as well as produce and distribute public service announcements on the hazards of noise.

Fines for noise violations in Elkhart were stiff (2008): \$ 250: first offense; \$ 500: second offense; \$1000: third offense; \$2500: fourth offense. Elkhart's noise control officer did more drug busts than any other Elkhart police officer—and he was looking for noise violators, not drugs. Elkhart's experience **demonstrates the strong link between noise, guns, drugs, gangs, and crime**. Elkhart officials are enthusiastic about the anti-noise program. According to the Police Chief then, he said, "Elkhart's noise ordinance has had a positive impact on the city's quality of life." Tim Balyeat, Elkhart's assistant police chief, commented that "since the inception of the anti-noise program, Elkhart has become a quieter place to live."

Bradley Vite, an Elkhart resident who led the campaign to institute the policy, said that "Elkhart's anti-noise program is a great tool to reduce crime. Noise control police officers have found meth labs, marijuana, cocaine, weapons, and individuals with outstanding warrants. Noise is a quality of life issue. The actions of the city government and the police have dramatically reduced noise." Elkhart's anti-noise program is a model for the nation. No taxpayer money is involved. The noisemakers themselves fund the program. If every community took noise enforcement seriously, crime would be reduced significantly.

Community education about the effects of noise pollution, best practice noise ordinances, sensible and meaningful fines for violations and adequate enforcement seem paramount for success. Citizen Noise Inspectors, Police Agents, Special Officers, Code Enforcement Officers, Health Inspectors, Veterans, Service Organizations, Citizen's Police Academy Graduates, Volunteers and others may all play a part in noise ordinance violation enforcement.

The Wheat Ridge Police Department is testing out something new this Fourth of July. They will take to the skies to try and cut down on illegal fireworks use. Officers with a newly established drone unit would be looking for fireworks and fires. Public Information Officer Alex Rose said in a statement that they'll be using drones "to react to community firework concerns and to identify any hotspots that pop up from fires." (9News, July 4, 2024)

Recommendation 13): That the appropriate City of Lakewood Staff study the noise reduction program success that Elkhart Indiana and other similar programs in other Cities, have had on decreasing noise pollution; and that lessons learned from these programs guide changes to Lakewood’s municipal codes, ordinances, laws, policies and procedures regarding noise pollution as well as enforcement of noise violations.

APPENDIX

RESEARCH AND KEY FINDINGS:

Health Effects of Noise Pollution

For over a half a century U.S. agencies such as the Environmental Protection Agency (EPA) have warned that noise pollution is a growing danger to the health and welfare of both people and animals (EPA, Clean Air Act Title IV-Noise Pollution, updated 08/08/2023). A growing body of research notes that noise pollution has both a temporary and permanent effect on the endocrine and autonomic nervous systems. Noise pollution is not only linked to hearing loss but can be a contributing cause and/or exacerbate heart disease. Noise pollution contributes to sleep disturbance, stress, mental health problems, aggressive behavior and/or an inability to regulate emotion, chronic fatigue and other health impacts.

Angelina Angelo (UC Davis Environmental Health Sciences Center article 03/2023) states that “ noise is the second largest environmental cause of health problems just after the impact of air pollution. In a Clean Air Act overview published by the EPA, the fact that we can’t see, taste or smell sounds may explain why it has not received as much attention as other types of pollution. We are constantly surrounded by noise, yet many of us are unaware of the danger environmental noise poses to our health”.

Noise pollution is a growing problem (Harvard School of Public Health Publication, 02/2023), that can lead to sleep disruption and insomnia as well as chronic health conditions such as heart disease, cognitive impairment, depression and anxiety, according to experts. Much noise pollution comes from traffic. Other forms of noise pollution include the sounds of leaf blowers, construction, airplanes taking off and landing, and buzzing drones. Loud noises can signal to the auditory system that something is wrong, triggering a fight-or-flight-response, which floods the body with stress hormones that cause inflammation and can lead to disease.

The World Health Organization (WHO) and the EPA recognize the harmful health effects of noise pollution. According to the Centers for Disease Control and Prevention (CDC 12/11/2018, Public Health and Scientific Info), noise pollution is “an increasing public health problem” that can lead to a variety of health effects, including hearing loss, stress, high blood pressure, interference with speech, headaches, disturbance of rest and sleep, productivity and mental health effects, and a general reduction in one’s quality of life.

Eco-Healthy Child Care (EHCC 08/03/2015) states that children develop better concentration skills in a quiet environment. Children exposed to noise pollution while learning are more likely to experience reading and language skills delays. Children who spend time in noisier environments have higher resting blood pressure and higher stress levels. Aircraft noise negatively affects children’s learning and cognitive development (Quiet American Skies, a program of Quiet Communities Inc. March 9, 2022). A ten-year study of students from 6,000 schools near 46 major US airports by the National Academies of Science, Engineering and Medicine found that aircraft noise was responsible for lower standardized test scores. Installing sound insulation in a subset of those schools reversed the effect.

Neha Khanna (Penn State abstract 11/ 27/ 2023) studies the effects of noise pollution on children and adults. Noise pollution is defined as unwanted or excessive sound, which can trigger the human stress response system which, in turn, induces cognitive impairment in children and interferes with sleep causing mental fatigue and poor mental health outcomes. Mental illness is costly to society and imposes a multi-billion dollar burden on the U.S. economy each year through poor educational outcomes for children and productivity and earning penalties for adults. Ms Khanna estimates the causal effect of noise pollution on mental health using novel data that measures the exposure of approximately 15,000 individuals to noise pollution from highways and aviation between 2014 and 2020. A unique feature of her data is that it can link individual mental health outcomes to highway and aviation noise pollution through relatively precise residential addresses. She found that road noise has significant negative effects on mental health. Finally, she finds that sleep deprivation plays a significant role in explaining how noise affects mental health.

Noise has been associated with the development of dementia! All of these impacts come with substantial economic costs. Cardiovascular disease and stroke cost the nation \$350 billion annually in direct medical costs and work productivity losses. While not all of these costs can be attributed to noise, lowering environmental noise by just 5-decibels generates annual savings of \$4 billion in medical costs by reducing the prevalence of hypertension and coronary artery disease.

California legislators passed two laws in 2022 aimed at quieting the environment (Medical Press 01/11/23). One directs the California Highway Patrol to test noise-detecting cameras, which may eventually issue automatic tickets for cars that make noise above a certain level. The other forces drivers of illegally modified cars to fix them before they can be re-registered. "There's an aspect of our society that likes to be loud and proud," said California State Sen. Anthony Portantino (D-Glendale), author of the noise camera law. "But that shouldn't infringe on someone else's health in a public space".

Fireworks are used to celebrate many events, from holidays to music concerts and sports. Even though fireworks are meant to entertain us, it is not uncommon for the sounds, intense light or smells to cause distress. Those who have gone through a trauma that included explosions, gunfire, loud noises or fire may be more likely to find fireworks to be a reminder—a trigger or cue—of such past events. Fireworks are loud, with bright flashes of light, creating smoke and burning smells. There are often crowds gathered to watch displays, and loud music may be typical. Any of these sounds, sights or smells may serve as trauma reminders. For Veterans, fireworks may cue memories of combat or explosions; and fireworks are loud, with bright flashes of light, creating smoke and burning smells. There are often crowds gathered to watch displays, and loud music may be typical. Any of these sounds, sights or smells may serve as trauma reminders. For others, fireworks may be reminders of intense fires or gun violence. Because symptoms and triggers vary widely, it is hard to predict how fireworks will affect someone specifically. For this reason, it may be worth exploring alternatives to the traditional form of fireworks, or excluding them completely. This is one general way to help prevent distress for anyone who may be suffering. In addition, for those who do use fireworks, there are ways to do so while being considerate and respectful to those around you. (STM Learning, Inc. library: Fireworks and Their Implication for Those with PTSD). We have the technology to employ “sound free” light shows from droids and we have done this with major sporting events, ie: the super bowl.

Kate Yoder writes (Grist, November 30, 2023), that researchers at Colorado State University, along with experts in New Mexico, New Hampshire, and the United Kingdom, analyzed how exposure to transportation noise aligned with maps of historically redlined neighborhoods, looking at the consequences for human health and urban wildlife. They found that the maximum noise levels in neighborhoods coded as Grade D by the Home Owners' Loan Corporation back in the 1930s were 10 times higher than in Grade A neighborhoods, in terms of sound intensity. She said that while you might

expect that the more crowded the city, the louder it would be, the research found that redlining grades predicted noise levels from traffic, trains, and planes even better than population size did. Sara Bombaci, an author of the study and a professor of conservation biology at Colorado State University commented that what was striking to her was how clear those patterns were.

Previous studies have found that noise pollution is worse in Black neighborhoods and in segregated cities as a whole. The Environmental Protection Agency recommends that noise levels stay below 70 decibels in order to avoid hearing loss. Nearly all segregated neighborhoods across 83 cities had maximum noise levels above that threshold, according to the study, as did most Grade A through C neighborhoods. Several redlined areas had maximum noise levels above 90 decibels, roughly as loud as a blender or power tools — a threshold that's associated with hearing damage, higher stress levels, and physical pain. According to data provided to Grist, the cities where redlined neighborhoods had the worst noise levels are Miami; New York; Austin, Texas; Chicago; San Francisco; and Denver, in that order. Some of those cities are just loud in general: In Miami and Chicago, even Grade A neighborhoods were subject to maximum noise levels above 95 decibels.

The World Health Organization (Article in Portage Path Behavioral Health by Kenneth Roberts, June 7, 2023) states that noise-induced annoyance is a common and immediate response to unwanted sound. This annoyance often manifests as feelings of distraction, discomfort, or even anger. Over time, if the noise persists and individuals feel helpless to control it, these feelings can escalate into chronic stress, a known risk factor for mental health disorders like anxiety and depression. Sleep disturbances caused by noise are another significant concern. We all understand the frustration of being jolted awake by a sudden, loud noise in the middle of the night. However, even low-level noise can disrupt the quality of sleep by causing microarousals, brief awakenings that we might not even remember. Poor quality sleep over time has been associated with mood disorders, impaired cognitive function, and overall decreased quality of life. Despite the clear evidence linking noise to mental health problems, it often goes unaddressed in public health initiatives. This oversight is primarily because the effects of noise pollution are less visible and immediate compared to other environmental issues, such as air pollution. However, with growing recognition of its impact, there's a pressing need for measures to mitigate noise pollution. From the research it is clear that noise pollution is a growing environmental and health problem that needs to be addressed in municipal codes, policy and procedures.

Airport, Highway, Demolition/Construction, Equipment and Motor Vehicle Noise Pollution

Jamie Banks, President of Quiet Communities Inc. (QC), has researched and testifies about aviation noise and pollution (Finance Committee of the Maryland State Senate March 9, 2022). Aviation noise may be the worst of the sources of transportation noise, as it is loud and intermittent and has strong low frequency components that carry loud noise long distances and through walls and windows, much like a boom box. It can be unrelenting in its intensity. The impact of aviation noise was recognized 53 years ago by US Surgeon General William Stewart who declared “noise is indeed a public health hazard, a matter of public health concern”. Decades of research show that noise and pollution from transportation in general, and aviation in particular, are harmful to health. Nighttime aviation noise is especially hazardous. A recent study showed that quieter skies during the pandemic improved cardiovascular health.

Further research in Ms. Bank's testimony before the Finance Committee of the Maryland state Senate March 9, 2022, showed that aviation operations are a source of harmful emissions and put airport workers and residents of communities in and around flight paths at risk, including children and other vulnerable populations. Aircraft emissions contain known carcinogens. Like noise, air pollution is an environmental stressor, diminishing environmental quality, damaging fragile ecosystems, and contributing to loss of biodiversity.

(City of Boulder, Carolyn Elam, Addressing the Impacts of Landscaping Equipment, 2024)

For much of the year, commercial landscaping companies provide a variety of lawn and plant care services to residents and commercial businesses. While these services are an important part of the local economy, they are also a source of routine concern. Certain types of landscaping equipment present a variety of environmental and health concerns. These include greenhouse gas (GHG) emissions, noise and air pollution. Maybe incentive programs that offset the cost of equipment transition could be implemented, so that air and noise pollution are decreased.

(The Momentum, 2022) According to the Environmental Protection Agency (EPA), a typical gas lawn mower produces as much air pollution in one hour as 11 cars. Noise pollution is also a byproduct of gas lawn equipment. The EPA reports that mowers can produce over 95 decibels of sound, which is the equivalent of standing next to a passing subway train. The constant drone of lawnmowers can be detrimental to hearing and be a source of disruption for communities, as well as wildlife.

An article from the European Climate, Infrastructure and Environment Executive Agency focused on projects that aim to reduce road noise for a quieter Europe. The noise reduction solutions in the article could also be applicable on American roads. (Arlene L. Bronzaft, Quiet Communities 03/13/2024). One project to lessen road noise involved new surfacing on the road, aimed at reducing noise levels by several decibels. When residents were asked whether they noticed a difference in noise levels, nearly two-thirds said they did, especially at night. This project was also meant to create financial savings by using new asphalt mixes on the roads. The project coordinator said his group was exploring noise barriers in addition to low-noise pavements. There will also be further testing in real test environments. Newer techniques are being developed to lessen road noise. It is worthwhile to review the European studies and compare them with what is being done in the United States. Road traffic noise affects the health and well-being of millions of people living near roads and highways.

Demolition and construction related noise pollution can contribute to wide-ranging dangers such as elevated blood pressure in adults and disruption to the routines of local wildlife (How to Prevent Noise Pollution in Construction, BigRentz, 05/21/2021). While noise pollution is a real problem in construction sites, there are a variety of ways that one can reduce the work site's sound output. For example, workers can ensure they choose appropriate construction equipment for the job and ensure that all equipment is functional before use. Noise pollution as a result of construction projects can have damaging effects on people and the environment.

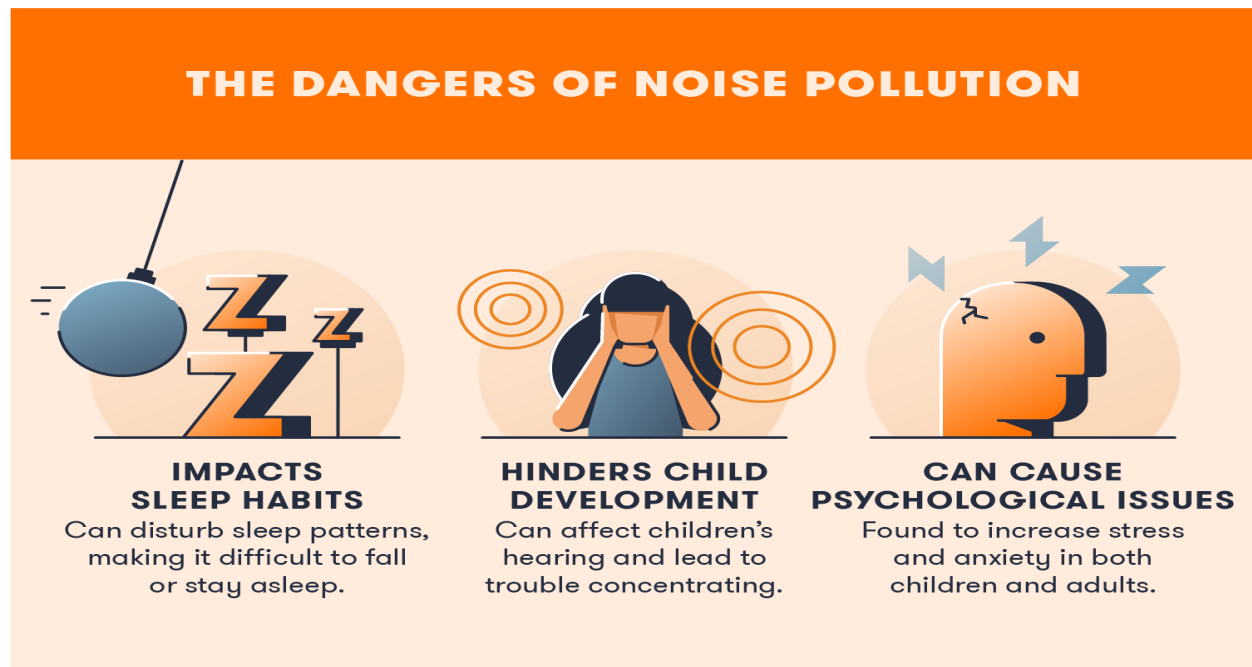
Local noise ordinances may restrict the amount of noise that can be emitted from demolition / construction operations during certain hours or in certain areas (i.e., residential neighborhoods). The contractor must obtain noise-related permits and variances if required by the applicable local agency(ies). This may be needed if the work is expected to be extensive. County, city, or local noise ordinances and noise control plans should be investigated with local agencies and variances fully resolved with identified jurisdictional authorities, councils, and/or boards prior to commencing work. Noise Analysis and Abatement Guidelines September 2020 Page 4 6 5.4 Colorado Noise Statute Colorado Noise Statute 25-12-103 addresses maximum permissible noise levels from construction projects. If the applicable local government agency has more restrictive requirements (i.e., local ordinances) regarding construction noise, those requirements would supersede the state statute.

There are cost sensitive and readily implemented abatement measures that can be included in any construction project. Examples are: limiting work to daytime hours; ensuring that equipment uses properly maintained mufflers; identifying the location of haul roads and using public outreach. Demolition / construction noise plans should be developed to detail mitigation needs and abatement measures employed during these activities, especially in projects in major urban areas that are anticipated

to last one year or more. In these cases, a more detailed discussion of the impacts and mitigation measures is necessary for the project. This type of mitigation plan could include, but is not limited to, construction noise monitoring, heavy truck routing, temporary noise abatement measures, noise complaint hotlines, project construction noise limits and violation procedures. The current ongoing two and a-half year demolition / construction project that Colorado Christian University has been doing next to residential areas in Ward 1, is an example of where this kind of planning and monitoring should happen.

(BigRentz, 05/21/2021) The Two Types of Noise Control: Noise controls are used to protect workers from hazardous noise exposure. These controls will help to minimize the damage that excessive noise can cause. Even reducing construction site noise by a few decibels can greatly improve hearing conservation.

1.) Engineering Controls: Engineering controls isolate people from the noise hazard. Certain pieces of equipment help reduce the noise by enclosing or re-routing the path of noise from the source. A few examples of engineering controls include: Choosing low-noise machinery; maintaining and lubricating equipment and machinery and placing a barrier between the noise and worker. (Responsible, routine maintenance!) 2.) Administrative Controls: Administrative controls are changes in the way people work. These controls are less about the equipment within a construction site and more about optimizing the work schedule to lessen noise effects on workers. A few examples of administrative controls include: operating noisy machinery during times when fewer people are on-site; limiting the amount of time a worker spends near the source of noise and providing quiet areas where workers can find relief during breaks.



8 Ways to Reduce Noise Pollution on the Job Site. From making a conscious effort to reduce noise in the design stage to optimizing job site equipment to be less noisy, here are eight ways to explore minimizing noise pollution.

1. Eliminate Noise During Design: One of the best ways to reduce noise exposure is to consider noise in the project design phase. This can be done by choosing equipment that reduces the noise level and by eliminating design flaws that can amplify noise. Here are a few ways that you can optimize your work site to reduce noise before starting construction: covering metal tables, metal wheels and other metal pieces with rubber to reduce noise vibration; modifying parts to reduce rattle and ringing; lining tumbling

barrels, metal chutes and hoppers with an elastic material such as cork or hard rubber to reduce mechanical shock between parts; and reducing noise resulting from vibration of beams and plates by ensuring machine rotational speeds do not coincide with resonance frequencies of the supporting structure.

2. Add Noise Barriers: Noise barriers block the direct path of sound waves from the source of noise, protecting workers and the community from noise exposure. They do not eliminate noise, but they help to reduce the level of noise. Noise barriers work by enclosing the source of sound within sound-absorbing materials like mineral wool. A few examples of machinery you may want to add noise barriers to include saws and jackhammers.

3. Use Sound-Absorbing Materials: Sound-absorbing materials can be helpful in reducing construction noise. Materials such as metal, wood and concrete are sound-reflective materials that sound waves bounce off of. Instead, opt for materials such as carpet, foam padding or fiberglass insulation that absorb sound. Place these types of materials on floors, ceilings and walls to help reduce sound reverberation.

4. Choose Less Noisy Equipment: There's no getting around the fact that construction equipment can be loud, but there are ways to choose equipment that is quieter. A general rule of thumb is that electronic-powered equipment is quieter than diesel-powered equipment. Similarly, hydraulically powered equipment is quieter than pneumatic power. It's important to note that quieter machines or processes can cost more because manufacturing tolerances on the machines are tighter, gears mesh better when quieter cooling fans are used.

5. Optimize Your Current Equipment: If you're looking for ways to reduce the noise levels of your current equipment, there are a few modifications to consider. A popular option is to use acoustical silencers in intake and exhaust systems, such as internal combustion exhaust systems or air conditioning systems. There are also steps you can take to ensure your equipment runs smoothly. Ensure that bolts are tightened, parts are well-lubricated and check for wear and tear on equipment to reduce excessive noise while also protecting employees from injury.

6. Ensure Proper Saw Cutter Practices: One of the louder pieces of equipment on a construction site is often the concrete saw. You can reduce noise caused by a concrete saw by choosing a blade with the largest amount of teeth and a small width between teeth and choosing a blade with the smallest possible gullets. You should also make it a practice to check the water supply to the blade is sufficient and make it a habit to change the blade when it starts to show signs of wear.

7. Offer Personal Hearing Protection for Workers: Protect workers from the effects of excessive noise by offering them hearing protection devices. There are several methods to determine the noise level on a job site. One option is to use an app to get an idea of how loud around different equipment and in different areas of the work zone. The National Institute of Occupational Safety and Health's Sound Level measuring tools is one option. There are three basic types of hearing protection to consider: ear muffs, ear plugs and canal caps. You could also double up on hearing protection by wearing ear plugs underneath ear muffs. Take into account the noise reduction rate of the different hearing protection devices when choosing the right method for workers. The noise reduction rate (NRR) is a unit of measurement used to determine the effectiveness of hearing protection devices to decrease sound exposure.

8. Schedule Work to Control Workers' Exposure to Noise: Another way to manage workers' exposure to noise is to plan the work schedule to limit the number of people on-site when there are noisy tasks happening such as a jackhammer or concrete breaking. Moving workers from a high-noise job to a

low-noise job can also reduce the negative effects of noise exposure. Noise pollution is not as obvious of a danger as other types of pollution, where the effects can be seen in growing landfills or floating islands of trash. However, noise pollution is a very real danger that impacts millions of people on a daily basis. Implementing measures on the worksite to minimize noise pollution can make a positive impact on workers and the community around the worksite.

Airport, Highway, Demolition/Construction, Equipment and Motor Vehicle

Locations researched: Colorado, Jeffco, Lakewood, Denver, Arvada, Littleton, Castle Rock, and Wheat Ridge

Quiet times

Colorado: does not define quiet times, instead, it is defined as levels in a “time of day allowance”

Jeffco: does not define quiet times, instead, it is defined as levels in a “time of day allowance”

Lakewood quiet times for bells, chimes, truck loading, power equipment, loud speakers are 10:00pm to 7:00am. For construction activities, quiet times are 9:00pm to 6:00am

Denver does not define quiet times, instead, it is defined as levels in a “time of day allowance”

Arvada quiet times are 9:00pm to 7:00am

Littleton quiet times are 7:00pm to 7:00am

Castle Rock quiet times are 7:00pm to 7:00am weekdays and 6:00pm to 8:00am weekends

Wheat Ridge quiet times are 10:00pm to 7:00am

Definitions: Somewhat similar in the cities researched. Construction activities are defined the same in Lakewood, Arvada and Littleton. Denver defines construction equipment. Motor Vehicle is the same for Lakewood, Denver, Arvada and Littleton but only Jeffco and Arvada define motorcycle while the other cities include motorcycle in the motor vehicle definition. Muffler is defined in Jeffco, Lakewood, Denver, Littleton. Wheat Ridge and Castle Rock are vague. Wheat Ridge defines noise as unlawful when noise is continued as excessive and Castle Rock provides a number to call and complain.

Measurements:

Different in all locations:

Colorado considers time of day and whether it is in Residential, Commercial, Light Industrial and Industrial. Its **db(A) ranges from 50 to 80**

Jeffco considers vehicles made before and after January 1973, its speed, its weight and whether or not it is driven on private or public property. Its **db(A) ranges from 75 to 80.**

Lakewood measures as unreasonable.

Denver considers whether it is residential, commercial, industrial and public areas. Denver also considers the weight of the vehicle. Its **db(A) ranges from 50 to 80**

Arvada considers residential and mixed-use commercial, light and heavy industrial. Its **db(A) ranges are from 50 to 75**

Littleton was updated in 2021 to include motor vehicles and construction. Littleton considers Residential, Business and Industrial. Its **db(A) ranges from 50 to 75** but it also includes Main St **55 at night and 80 during the day.**

Wheat Ridge considers Residential, Commercial and Industrial. **Its db(A) ranges from 50 to 80.**

All lower numbers are levels permissible at night and higher numbers are permissible in Business and Industrial areas.

Enforcement:

Colorado: none

Jeffco: Class 2 Petty Offense, \$30 fine each offense not to exceed \$300

Lakewood: No

Denver: No

Arvada: No

Wheat Ridge and Castle Rock: No

CDOT

Q: What constitutes a traffic noise impact?

A: A "noise sensitive receiver" (defined as homes, parks, schools, businesses, etc.) is considered impacted by noise if either future noise levels (generally a 20 year projection) approach or exceed the CDOT Noise Abatement Criteria, or if there is a substantial increase in future noise levels over existing noise levels from a proposed CDOT project as described above. These are the noise levels experienced at the commonly used exterior portions of a property on the lowest or ground level for each home or individual unit. For residences, schools, and parks, impact is defined when the Leq is 66 decibels or higher, and for noise sensitive businesses the impact Leq value is 71 decibels. A substantial increase impact occurs when there is a projected 10-decibel increase over existing noise levels. Impacts such as these require mitigation consideration and analysis, which will result in the construction of noise barriers if they are determined to be feasible and reasonable.

Q: When is a noise analysis required?

A: A noise analysis is required for a proposed CDOT project if that project consists of: · A new highway built on a new location, interchange modifications, or an existing highway that is significantly altered by substantially changing the horizontal or vertical characteristics of the road, or the number of through traffic lanes being increased or auxiliary lanes added. Minor projects, such as normal roadway resurfacings (without adding new lanes), do not require a noise analysis. Noise analysis is also required if there is an addition of a new, or a substantial alteration of an existing, a weigh station, rest stop, ride-share lot, or toll plaza.

Q: What constitutes a traffic noise impact?

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consideration and analysis, which will result in the construction of noise barriers if they are determined to be feasible and reasonable.

Q: What does CDOT consider "feasible and reasonable"?

A: A noise barrier must be both feasible and reasonable if it is to be constructed with a highway project. Feasibility and reasonableness are determined by criteria that are quantifiable. As a result, noise mitigation is not automatically provided where noise impacts have been identified. A barrier is feasible if it can be constructed without major engineering or safety issues and provide a substantial noise reduction to the adjacent receivers. Reasonableness deals with whether the barrier can be designed to achieve a noise reduction design goal of 7 decibels, whether the barrier can be constructed in a cost-efficient manner, and the desires of the community. All 3 of these criteria must be met for a barrier to be considered reasonable to build.

Q: What is a "substantial noise reduction"?

A: A noise barrier must provide at least a readily perceptible decrease in noise levels to adjacent receivers to be feasible. This is defined as a noise decrease of at least 5 decibels. As noise level changes of 3 decibels or less are not generally perceivable, it is not prudent to construct a noise barrier that gives only a 1 or 2 decibel benefit to adjacent properties

Q: What types of noise barriers are constructed?

A: Noise barriers are commonly constructed as walls, earthen berms, or a combination of the two. Walls are most common, and are usually constructed out of dense materials such as concrete or masonry blocks. Earth berms are a natural alternative to walls, but require much more land to construct. Walls can be constructed on top of berms in order to raise the overall height of the barrier.

Q: How do noise barriers work?

A: Noise barriers reduce noise by blocking the direct travel of sound waves from a source (such as a highway) to adjacent homes or businesses, forcing the waves over the top or around the barrier. The barrier must be high enough and long enough to block the view (line of sight) of the highway. This is the phenomenon that allows a noise barrier to provide a perceivable noise reduction. Noise barriers do very little good for homes on a hillside overlooking a road or for buildings which rise above a barrier. Openings or gaps in barriers for driveway connections or street intersections reduce barrier effectiveness. Noise barriers are most effective for the first one or two rows of homes at distances up to 200 to 300 feet from the barrier. As noise levels decrease with distance, there is a point away from the highway at which noise barriers are no longer effective. It is important to note that barriers are not designed to eliminate or block all noise.

Q: Are noise barriers built to protect locations on the upper floors of homes?

A: Noise barriers may, under certain geographic conditions, be able to be designed to protect upper levels of multi-family structures, where each unit is a separate residence. For single-family homes, the primary consideration is the outdoor, ground-floor areas of human activity. Barriers built for the second floor would have to be tall enough to provide a substantial noise reduction for those areas, which in most cases would require very high walls that would not be feasible or reasonable.

Q: How are noise reflections from buildings and barrier walls considered?

A: Highway traffic noise levels are not substantially increased by construction of a noise barrier or the presence of a building on the opposite side of a highway from sensitive properties. This is because the theoretical maximum noise increase from a source is limited to 3 decibels, which corresponds to a doubling of the source. In practice, not all of the sound energy is reflected back to the receiver. Some of the sound is diffracted over the barrier, some is reflected to points other than the affected property, some is scattered and/or absorbed by ground coverings and other terrain, and some is blocked by the presence of

other vehicles on the highway. The overall noise increase is normally limited to 1-2 decibels at the most. In general, this is not a perceptible increase, but the character of the noise may seem to change, which is what is usually noticed. In the case of parallel barriers, however, studies have shown that if two walls are constructed very close together, there is a potential for multiple reflections that may perceptibly increase noise levels. Generally, this is not normally a problem for barriers greater than 200 feet apart or where the width-to-height ratio is more than 10:1 (barriers 10 feet high should be at least 100 feet apart).

Q: Will planting vegetation help reduce noise levels?

A: Vegetation is not effective for reducing noise levels. It is not feasible to plant enough vegetation along a highway to achieve reduction, although planting trees or shrubs can provide aesthetic benefit and visual screening.

Q: Can anything be done about "Jake Brake" use?

A: Colorado state law now requires that any vehicle equipped with engine compression brake devices (commonly referred to as "Jake Brakes") be equipped with proper mufflers. Failure to do so will result in a \$500 fine. The enforcement of this law is the responsibility of the local authorities. Definition of Jake Brake is "an engine brake for truck diesel engines that cuts off fuel flow and interrupts the transfer of mechanical energy to the drive mechanism." CDOT has not restricted the use of these devices for safety reasons. However, CDOT has assisted local entities with this issue by installing "Engine Brake Mufflers Required" signs along selected highways. This is because using your motor to help your vehicle stop can be noisy, an effect that is amplified by some of the vehicles.

Q: What is the effect of pavement type on noise levels?

A: Research regarding pavement influence on noise levels has been an ongoing process. In general, the use of certain types of asphalt pavements or texturing of concrete pavements can give an initial noise reduction benefit to properties 200 to 300 feet from the highway. Over a long period of time, however, it is not known if these benefits continue to be realized. As a result, pavement type, in and of itself, cannot be considered as an alternative to conventional noise mitigation measures at this time. CDOT's present policy for pavement type selection is made based on a life-cycle cost analysis, which at this time does not consider noise as a primary factor.

(Vehicle and other noise: U.S Department of Justice, Office of Community Oriented Policing Services, Problem-Oriented Guides for Police Problem-Specific Guides Series, No.7 Loud Car Stereos, Michael S. Scott, August 2004). Two concerns about loud car stereos: 1) they annoy some people, and 2) they inhibit drivers' ability to hear emergency signals on the road. Loud car stereos can also make another noise problem worse: they can activate some car alarms. In some jurisdictions, drug dealers advertise by cruising neighborhoods with the car stereo turned up loud. The problem of loud car stereos is more widespread than a simple tally of complaints would reveal, as perhaps only 5 to 10 percent of people bothered by any type of noise will file an official complaint. Many citizens are not aware of their legal right to quiet and do not know where they can register a complaint, so consequently, the volume of official complaints about loud car stereos might indicate the existence of a problem, but not necessarily how intense or widespread it is.

(Noise Free America, Motorcycle Noise, 2021) All highway and off-road motorcycles manufactured since 1983 are regulated by Federal Law under the authority of the Noise Control Act of 1972, which is still in effect. Federal regulation 40 CFR 205, parts D&E regulates their total noise emissions. It also regulates their mufflers and requires motorcycles to be equipped with EPA-approved mufflers at all times while they are in the United States. It is a violation of Federal Law to tamper with the emission control devices of motorcycles. The most common form of illegal tampering is removing factory equipped

EPA-approved mufflers and replacing them with after-market mufflers or entire exhaust systems that are not EPA-approved. They are designed to increase the exhaust noise of motorcycles. The EPA stated that motorcycles with either modification listed above could easily increase noise emissions to over 100 dBA.

Although **motorcycles only account for two or three percent** of total vehicular traffic mileage, and because they are presently among the **noisiest vehicles in the traffic stream, any reductions in motorcycle noise would have a significant impact** upon overall traffic noise and benefit the public. Excessive motorcycle noise poses a severe public nuisance and health hazard and adversely impacts the public's quality of life. It is very clear that there are many loud motorcycles in the United States and the solution to the problem is enforcing the federal, state and local laws and regulations prohibiting those unlawful acts. A four step process is suggested: 1.) Observe the plainly audible excessive noise emitted by a loud motorcycle; 2.) Stop the vehicle; 3.) Issue the appropriate citation; and 4.) If needed, testify to what was observed and what law was obviously violated.

The motor vehicle exhaust noise and muffler laws of practically all 50 states have one key phrase in common: excessive or unusual noise that is plainly audible. The simple observation of excessive or unusual noise is the enforcement criterion employed by most police officers when enforcing motor vehicle noise and muffler laws. However, many cities and police departments do not take the issue seriously and do not have the will to enforce motor vehicle noise laws.

Although establishing prohibited decibel levels in noise pollution regulations has its place in some situations, it may not be the best way to address the problem, especially for enforcement purposes for mobile and transient sources of noise such as motorcycles. The simple observation of excessive or unusual noise emitted and plainly audible by a loud motorcycle provides the police with valid probable cause to stop and ticket its operator. That simple enforcement criterion has been upheld by the appellate courts as both objective and constitutional. (Noise Free America, Motorcycle Noise, 2021).

Noise pollution problems that law enforcement officers are also frequently called upon to address include: barking dogs; loud vehicle mufflers; loud parties and loud stereos in residences; loud "boom boxes" (portable radios and tape players); loud music in bars and nightclubs; audible alarms from buildings and vehicles; loud power equipment (e.g. construction equipment, leaf blowers, lawn mowers); and loud vehicles involved in street cruising and street racing. Enforcement of statutes and ordinances that prohibit noise that is plainly audible have advantages, as many courts have upheld the plainly audible standard for a noise ordinance in the face of legal challenges. Lowering tolerance levels for noise violations by imposing significant fines and penalties for violations is also important.

Parks, Illegal Fireworks, High Density Residential and Commercial Areas and Outdoor Recreation Noise Pollution

Noise issues prompted the Denver Parks and Recreation Department to drop pickleball from a park and abandon plans to build a new court for the growing sport as the courts would have been too close to residential areas. (Tabatha Wethal, Athletic Business, 04/03/2023). This move came about after neighbors complained to the city about violations of the city's noise ordinance. **Some sources of current guidance regarding sound abatement have found that pickleball courts need to be a minimum of 500 feet and other sources recommend a minimum of 1,000 feet or further, away from homes.** Not too long ago noise issues required the closing of an outdoor Lakewood pickleball court at Whitlock.

The effects of pickleball courts located close to residential neighborhoods is causing tension (Marianne Guenot, 11/21/23, in the Business Insider). These courts are contributing to police reports and lawsuits. In this article it states that over the past three years pickleball has grown about 158% as a sport. The force of a typical pickleball whack creates sound peaking around 85 decibels (this is not quiet). This

noise is unpredictable and continues throughout a game. Careful City planning is important as Courts should be **a minimum of 1,000 feet away from residential areas**. Currently the USA Pickleball governing body is looking into ways to find high tech solutions to the noise pollution caused by this sport.

High density residential / commercial areas are increasing in the City of Lakewood. Excessive noise in an apartment can be defined as any sound interfering with a tenant's right to quiet enjoyment of their home. This includes loud music, parties, shouting, and other disruptive noises. For some areas of the US, a general guideline is that anything louder than 45 dB during the daytime or 35 dB in the evening is deemed too loud. However, this threshold may vary depending on local laws and regulations (What is Considered Excessive Noise in an Apartment?, All County, April 24/2023).

Populations in cities are projected to increase globally, densifying urban residential environments with both positive and negative effects (Negative Responses to Urban Residential Noise as a social Rebound Effect of Increasing Population Density: Legislative Challenges and Auditory Territoriality, Noise & Health, March 22, 2021). Positive social effects are offset by negative health effects however; urban residential noise has been identified in a large number of studies as a significant contributor to social unrest as well as a risk to physiological and psychological health caused by stress, making this topic highly relevant to the discussion on sustainable urban growth.

How does intrusive noise inside the home contribute to problems associated with urban population density? Noise is primarily defined by the fact that it is unwanted and has been identified as a main cause of neighbor disputes in many countries. The topic of residential noise is of increasing importance to the development of sustainable cities as urban spaces grow more populated and people live in increasing proximity to one another, a trend that is expected to increase. Although the negative health and psychological effects of population density for humans and animals have been extensively researched, urban density has been seen as a positive step towards meeting sustainability targets from a theoretical standpoint. Living in closer proximity could mean lower carbon emissions from transport sectors, and indeed results from a large-scale study carried out on 10,093 cities in the USA indicate that carbon emissions decrease logarithmically after a threshold of 3000 people per square mile has been reached.

However, the relationship between society and sustainability is more complex, as benefits are often offset by unforeseen circumstances, referred to by Greening, Greene and Difiglio (2000) as "rebound effects" within the field of energy efficiency and consumption, but conceptually applicable to other areas. This is exemplified in the case of carbon emissions and urban density, for as the city grows, a wealthy suburbia also springs up around it in which carbon footprints are generally higher. Similarly, although the psychosocial benefits of urban density are also considerable, such as increased access to resources such as jobs, goods, and psychologically beneficial support networks, these benefits are also offset by the possible negative effects for mental and physical well-being, leading to what could be considered a psychosocial "rebound effect". There is a psychological rebound effect of urban residential noise. Sweden is grappling with the effects of increased urban density. Existing building legislation regarding residential noise is being considered in relation to studies investigating the effects of residential noise on psychological and physiological health.

Urban noise constitutes one of many potential hindrances to sustainable urban growth. Neighbor noise has been identified as a primary cause of neighbor complaints in many countries and its negative impacts on health has been identified. The concurrent analysis of noise research and legislation indicates insufficiencies and highlights that legislative bodies are in need of groundbreaking research regarding neighbor noise, to support reforms. Neighbor noises constitute potential psychological and physiological stressors capable of evoking territorial responses, namely, "auditory territoriality", which might serve as a trigger for density-dependent controls (e.g. subclinical and clinical psychological ill health) serving the

function of keeping population size optimal throughout our evolutionary history. Academic institutions and legislative bodies continue to study a sustainable future for those living in increasingly dense urban environments.

A major stumbling block for policy change is that, in most countries, neighbor noise is legislated under nuisance rather than noise regulations. However, legally enforced behavioral constraints for urban areas should not be the only area of reform. Building regulations for interior noise are currently insufficient for mitigating disturbance; it is arguable that buildings should be designed for the “worst-case scenario” so as to pre-empt the most disagreeable conditions rather than designed with considerate and amicable neighbors in mind. Furthermore, owners of old buildings need to be legally accountable for bringing their buildings up to acceptable regulation standards.

Most importantly, it must be recognized that the effects of neighbor noise impacts most strongly on mental health and, as such, their **effects might be invisible but not insignificant**. Future research programs are needed to quantify the extent of residential noise and within the context of increasing urban densification in more detail. Given the current research on noise sensitivity, it is essential to consider relative risks according to individual differences in personality, anxiety profile, sensory processing sensitivity, perceived quality of life, and other relevant predictors. Furthermore, it is probable that those experiencing higher levels of discomfort engage in certain behaviors that could further mitigate the positive environmental effects of increased urban density. Therefore, potential environmental rebound effects should be evaluated, such as the increase in air travel as a means of escaping an urban environment that has developed unsustainably. Finally, **the environmental, physical, and psychosocial effects of urban densification need to be considered holistically so as to ensure a sustainable future for urban dwellers.**

For the design community regarding high density residential and commercial areas, the recognition of nature’s significance in our lives is becoming increasingly important as our species is gradually moving more and more indoors and into urban areas (Rachelle Macur, Creating Restorative Communities, Biophilic Design and Low-Income Housing, Group 14 Engineering, March 2020). This is especially crucial for those living in low-income and supportive housing communities, where the opportunities to reap the health and social benefits of nature immersion are critical, and access to quality outdoor experiences is often limited. Countless other studies from 2005 to the present day have shown that exposure to nature and natural elements creates more egalitarian and social community; reduces anger and resentment; decreases violence and criminal activity; enhances alertness and mental stamina; improves focus, productivity, performance, & cognitive functioning; causes better physical awareness; increases confidence and trust in oneself; quickens recovery in health; lowers blood pressure and stabilizes our nervous system; improves learning rates; reduces anxiety and depression; offers stronger feelings of calm happiness.

Urban density effects (Rachelle Macur, Creating Restorative Communities, Biophilic Design and Low-Income Housing, Group 14 Engineering, March 2020): in urban settings (vs rural settings), individuals’ pulse rates are higher (4-6%), their systolic blood pressure is increased (19.4%), they have higher cortisol levels (13-16%), their parasympathetic activity is increased (56%), and their immune functioning is lower (Ulrich, 1983).

Studies show that people living in urban public housing with greenery around them have less mental fatigue and report less experiences of aggression and violence than individuals living in barren buildings (Kuo & Sullivan, 2001). A 10-year study (Branas et al. 2011) indicated that greening may reduce crime while promoting health. Maas and colleagues (2009) concluded that green space in people’s living environment is associated with enhanced feelings of social safety. Other research (Kuo, 2001) has found

that in greener settings people are more generous and more sociable; have stronger social ties and greater sense of community; and more mutual trust and willingness to help others. Isn't this something we all want for our lives? To have greater mental strength and emotional regulation? To live in communities free of drugs and crime? To know and trust our neighbors? One could argue this is a fundamental right. It is simply a humane way to live (Rachelle Macur, *Creating Restorative Communities*, Biophilic Design and Low-Income Housing, Group 14 Engineering, March 2020).

Arline L. Bronzaft, Ph.D, a member of the GrowNYC Board of Directors, who responds to New York City noise complaints, states that city residents often reach out to her for help dealing with their noisy neighbors (Quiet Communities, Blog, *City Soundscapes*, 11/2023). She receives many pleas for help with noisy neighbors and has been able to curtail the noise in some, but not all cases. People also contact her through Quiet Communities to help with noise disturbances. The people who call her have a great deal of stress in their voices and some even start to cry as we talk. Yet, despite some response to her complaints from the appropriate authorities, the noise continues and residents feel helpless. Laws protect residents from excessive noise. But for these laws to be truly effective, they must be enforced. Enforcement is the key and must happen evenly across the city.

Quiet Communities also documented that a NY resident (Mark Pearce) took his life because of the stress of neighbor noise. When a landlord failed to address Pearce's noise complaints about an inconsiderate neighbor, Pearce died by suicide. Hopefully, people subjected to excessive noise will not harm themselves. While death might be rare, what is not rare is the stress and mental anguish that neighbor noise imposes on so many people. What is also common is that noise complaints are frequently ignored or dismissed. So what can be done? Legislation exists that can address noise complaints, and public officials are obliged to see those laws enforced. Where no laws yet exist, public officials must take action to pass appropriate regulations. Neighbor noise complaints must be addressed, our health and well-being are at stake!

Measurement of Noise Pollution

Chris Woodford (explainthatstuff, 01/08/22) describes precise measurements of noise with automated electronic sound-level meters (sound pressure level meter (SPL)). These meters have a microphone that samples sound waves and circuits inside the meter convert the sound waves into electrical signals that are measured (sound intensity) in units called decibels. Here is a chart from this article that is a guide for what various sounds measure in decibels.

Level in decibels	Everyday example	Times more intense	Times louder
10dB	Rustling or falling leaves.	1	1

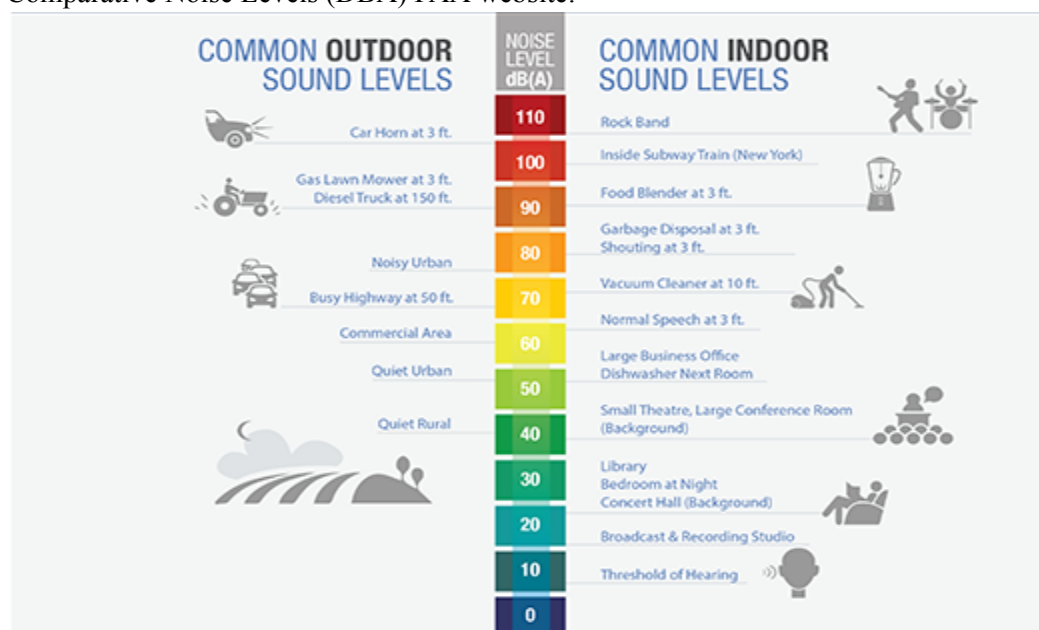
20dB	Watch ticking.	10	2
30dB	Birds flying by.	100	4
40dB	Quiet conversation.	1,000	8
50dB	Louder conversation.	10,000	16
60dB	Quiet traffic noise.	100,000	32
70dB+	Louder traffic	1 million	64
80dB+	Loud highway noise at close range	10 million	128
85dB	Hearing damage after about 8 hours.		
100dB	Jackhammer (pneumatic drill) at close range	1 billion	512

100dB	Hearing damage after about 15 minutes.		
110dB+	Jet engine at about 100m	10 billion	1024
120dB	Threshold of pain. Hearing damage after very brief exposure.		

The Colorado Department of Transportation (CDOT Noise FAQs, 2022) has noise abatement criteria. CDOT's selection of the noise abatement criteria levels were based on guidance from the Federal Highway Administration (FHWA), and is consistent with the criteria used by all state DOT's. FHWA used numerous approaches in establishing the noise abatement criteria were considered, to include hearing impairment, annoyance, sleep interference, and speech communication interference. The main challenge in establishing the criteria was to balance noise levels which are desirable with those that are achievable. As a result, speech impairment was usefully applied as being the condition that best met that balance. In a document describing the fundamentals of noise and sound, the Federal Aviation Administration's website (FAA, 03/29/2022) states that sound is energy transferred through the air that our ears detect as small changes in air pressure.

Noise is a sound that is unwanted. The decibel (db) is the unit used to measure the intensity of a sound. The human ear hears sound pressures over a wide range. Decibels, which are measured on a logarithmic scale, correspond to the way our ears interpret sound pressures. To account for differences in how people respond to sound, the 'A-weighted' scale (dBA) is used. This scale most closely approximates the relative loudness of sounds in air as perceived by the human ear and provides a more useful way to evaluate the effect of noise exposure on humans by focusing on those parts of the frequency spectrum where we hear most. The A-weighted noise level has been adopted by the FAA as the accepted measure to consider aircraft noise. Aircraft noise levels can change over time, the sound level of a plane increases as it approaches and decreases as it flies away. It can be useful to measure the maximum sound level of a particular noise. The maximum sound level does not account for the duration of a sound event. The maximum sound level of a gun firing a bullet is high but very brief; a freight train can have the same maximum sound level, if you are very close to it, but the sound has a long duration.

Comparative Noise Levels (DBA) FAA website:



Sound level meters were compared in an article in the Chicago Tribune (March 2023), the information in the article came from BestReviews, a company that spends hours researching, analyzing and testing various products to recommend best picks to consumers. According to this article sound level meters can be used to help resolve a neighborhood noise dispute or protect employees' hearing in the workplace. While these meters are usually easy to operate, the variety of different models and features could be confusing. Sound can be described as a pressure wave caused by the vibration of an object. If everything were completely still, there would be absolute silence. A sound level meter (SLM) uses a microphone containing a sensitive diaphragm to measure changes in the air pressure. The information is converted to an electrical signal, interpreted by a microprocessor and delivered to a display. A sock, or windshield, usually covers the end of the microphone to take out extraneous wind noise, though it can be removed if necessary. These meters go by many other names, too, such as sound pressure level meters, decibel meters, noise level meters, and noise dosimeters.

While there may be a few physical differences, they all do pretty much the same job. Most are handheld, and a few can be mounted on the wall to monitor noise continuously. In a nutshell, sound level meters separate into two categories: general-purpose models that homeowners, teachers, and businesspeople might use, and professional models that are made to recognized standards and can be used in commercial and/or legal situations. If you need any kind of proof of sound levels, it's important you get the latter, which conforms to either American National Standards Institute (ANSI) Type 1 or 2. Most sound level meters have a clear digital LCD, usually backlit to allow for working in low-light situations. It's worth taking a moment to look at the function buttons to see if their purpose is obvious and they're easy to operate. Sometimes multiple presses are required to access certain data, which can be frustrating, though they don't usually take long to learn. Although weight isn't really a consideration with these devices, physical size may be. Very few of these units are particularly large, but some are more compact than others. That will be useful if you want to carry one in your pocket. The battery life is worth considering. A few are rechargeable, but most take AAA or 9-volt batteries.

In a paper written by Zwierling, Myers and Shamoon (Zwierling, Myers, and Shamoon, analysis of the plainly audible standard for noise ordinances, [docsonline.sanantonio.gov](https://www.docsonline.sanantonio.gov), 2012), they discuss the pros and cons of different ways to enforce noise ordinances. Local government noise ordinances contain provisions that fall in performance and nuisance categories. Performance provisions establish permissible

sound level limits which must be measured with a sound level meter while nuisance provisions include prohibitions against the emission of sound deemed disturbing noise by a complainant at the point of reception. In either case, verification of a violation requires investigation by an enforcement agent. There are drawbacks to both performance and nuisance standards; many of the drawbacks are obviated with the use of a “plainly audible” standard. A plainly audible investigation can be conducted relatively quickly, without equipment or extensive training and is based upon an objective standard which has been repeatedly upheld in court as meeting the requirements set forth by the United States Supreme Court that: “to withstand constitutional scrutiny, government restriction must be (1) content neutral, in that they target some quality other than substantive expression; (2) narrowly tailored to serve a significant governmental interest; and (3) permit alternative channels for expression”.

NYC doesn't appear to be the first program to use similar anti-noise traffic camera tech (Motortrend, Justin Westbrook, 02/18/22). In fact, the City of Knoxville, TN, announced a similar program to crack down on noisy motorists, using what it calls "noise cameras" from U.K. manufacturer Intelligent Instruments Ltd. Knoxville's trial program is designed to record all vehicle data when the traffic camera is triggered, including audio levels as the car passes by, and then the vehicle data is uploaded to a server where an actual human technician then decides to proceed with issuing a ticket or not. It could be the same company behind both new noise ticketing trials in the U.S.

An ABC 5 WATE news station in Knoxville, TN, posted on 02/14/2022 that Intelligent Instruments Ltd. also operates a pilot program in NYC as well as seven of its noise cameras in its hometown of London, England. It's unclear if the New York City program handles data ticket issuing in the same manner as Knoxville's new plan. The City of Knoxville is set to test out a noise-monitoring camera, a device that could help officials enforce local noise restrictions against loud vehicles. The device is similar to red light cameras but is triggered by sound by using a filter designed to pick up on noisy vehicles and exhaust. A release from the city said noise complaints are up and downtown residents and business owners are tired of noise pollution from illegally modified vehicles. Data that will be collected includes the time and date of a noise violation, the vehicle type and a photo of the vehicle's license plate. This camera, on loan from UK-based 24 Acoustics Ltd., is a promising new tool that can help cities address noise as a quality-of-life issue. Once the project ends, the city will evaluate the camera and the data that was collected before deciding if the tool would be beneficial to the city's noise restriction ordinance. Excessive noise is more than an inconvenience. It keeps residents awake and disrupts workers, and chronic noise pollution creates a risk of negative health effects, both physical and mental.” (ABC 5 WATE news station in Knoxville, TN, posted on 02/14/2022).

(Noise Camera the next big thing in ITS, Traffic Technology International, January 18, 2022)
What's the next big thing in traffic enforcement? For a much-overlooked answer, take a trip to Kensington or Taipei. Bring your earplugs. These two locations could not be more dissimilar, yet both have conducted successful trials of vehicle “noise cameras” to issue fines to loud cars and motorbikes, following years of mass complaints from sleepless residents. Vehicle noise pollution is a global problem which takes many forms. A fear of speed cameras means that car culture is now just as much a celebration of noise as speed, and every police force and local government around the world groans under the weight of complaints about noisy car cruises.

Compared to speed enforcement, noise enforcement is straightforward. The cameras have been broadly self-financing in most locations, despite being barely out of prototype. Better yet, noise is unlike speed in that it is a civil offense, not a criminal one. This lowers the legal bar for prosecution, and in many cases can be pursued not only by police but by local councils too. Best of all, cash-strapped local governments may keep the penalty revenue from noise tickets. The town of Elkhart, Indiana has collected over \$1.6m in noise fines from a population of just 52,000.

Vehicle noise is not confined to a few hotspots: it's everywhere, not least because the authorities appear to have lost control of vehicle noise regulation. Making matters worse, owners of noisy cars love to add illegal exhaust modifications, which are surprisingly tough for the police to prosecute, even if they are easy to hear. Government should act to reduce traffic noise. Noise has a price. There is evidence to link transport noise to a startling range of medical conditions, including heart disease, strokes and impaired learning in childhood. (Noise Camera the next big thing in ITS, Traffic Technology International, January 18, 2022)

General Noise Ltd, has patented the algorithmic basis for a radar / lidar (light detection and ranging) traffic camera that can detect speed and noise violations all from one data signal. Thus a fixed or mobile speed enforcement set-up may soon be able to write tickets for noise too, for almost no marginal increase in technical overhead; especially if that revenue can be raised from a small, visible and politically friendless group. Of course, noise enforcement won't suit lovers of loud cars and modified mopeds, but even the residents of Taipei and Kensington are OK with that. Taipei has one moped for every 2.7 people; Kensington can sound like it has more Ferraris than residents. (By Jason Dunne, co-founder of General Noise.co.uk, a noise camera technology firm based in California and the UK).

Comparisons of City Noise Ordinances and Best Practice

Draft Comparison of Noise Ordinances:

Initially, noise ordinances from across the United States were reviewed. Websites concerning the World Health Organization and European Union were checked. After finding a similar format and content for U.S. ordinances, only those within Colorado and, subsequently, the Denver area and suburbs were the focus of review. More could be examined as needed.

A leading worldwide provider of online legal information for consumers and small businesses was used to identify best practices for the format and coverage of noise ordinances (Guidelines for Drafting Municipal Noise Control Ordinances, FindLaw, 01/30/2018). When a municipality undertakes to draft an ordinance to control noise, the following elements must be considered: 1.) authority to enact the ordinance; 2.) potential conflicts with state and federal constitutions; 3.) qualitative vs quantitative noise ordinances; 4.) establishment and measurement of noise levels, and 5.) specific provisions to include in the ordinance.

For the LAC's review, the last three items may be examined. Qualitative ordinances, prohibiting unreasonable noise, describe the character of noise but are more subjective in nature and open to uncertainty. Quantitative ones specify the amount, using scientific standards. Maximum noise levels are usually expressed in dBA and may vary widely according to community need. In setting the sound level, the time interval and location of the noise must be considered as well. "dB(A)" means sound level in decibels measured on the "A" scale of a standard sound level meter as defined by the American National Standards Institute, Publication S1.4-1971. The WHO organization has established standards based on similar principles.

According to the guidelines, an effective ordinance using maximum noise levels requires:

- General Prohibitions (define prohibited actions)
- Definitions (including the unit of measure, noise, noise disturbance)
- Specific Prohibitions (i.e., radios, loudspeakers, animals, construction, horns, etc.)
- Maximum Permissible Sound Pressure Levels (along with time periods in specific land uses)
- Exceptions (i.e., vehicles doing public business, emergency activity, alarms, etc.)
- Enforcement.

Comparison of Arvada, Boulder, Denver, Golden, Lakewood, and Longmont: All mostly followed the guidelines for municipal noise ordinances in terms of general format. Only one municipality addressed enforcement, so that element is not commonly incorporated. Only one failed to address Maximum Permissible Sound Pressure Levels (along with time periods in specific land uses). That was Lakewood. A couple municipalities (Boulder and Golden) incorporated as a space to address “enjoyment of the home.” Perhaps this is a newer/recent interest. Each city differs a bit in its lists as shaped by local concerns.

Lakewood: Based upon this review, Lakewood stands out in one major regard, the absence of sound pressure levels tied to time and space. This is a major aspect and should be remedied. Perhaps enforcement should be added to Lakewood’s ordinance, though most have ignored it.

Local Municipal Noise Codes by Headings—Arvada, Boulder, Denver, Golden, Lakewood, and Longmont (and with specific details for Lakewood):

Arvada:

- Existence of problem
- Necessity for regulation
- Penalties (general basis, not specific)
- Definitions and standards
- Permits
- Noises regulated with prohibitions listed
- Emergencies and weather
- Public events
- Exceptions
- Community noise levels: there is a chart with maximum permissible sound pressure levels by type (residential, commercial, light industry, heavy industry) by day and night levels. The levels are stated by dBA. The lowest is 50 and highest is 75.

Boulder:

- Legislative intent
- Definitions
- Exceeding decibel sound levels prohibited, with a chart listing residential, mixed use, industrial spaces by day and night with dBA. The low was 50 and high 80.
- Exceeding levels by motor vehicle prohibited
- Disrupting enjoyment of home
- Unreasonable noise prohibited 11 pm to 7 am
- Unreasonable noise prohibited, lawn mowers, leaf blowers, construction, 9 pm to 7 am
- Unreasonable noise prohibited motor vehicles amplified
- Certain musical instruments on mall, 12 pm to 7 am
- Sound variances

Denver:

- Purpose
- Sound pressure level instrumentation
- Definitions
- Inspections
- Misrepresentation to avoid compliance
- Restrictions and measurements, lists by type of premise (residential, commercial, industrial, public) by day and by night, sound levels. They span 50 to 80 dBA. List includes exemptions.
- Prohibited noise activities
- Motor Vehicle Noise

- City contracts to require chapter compliance
- Other provisions

Golden:

- Definitions (revised 1/25/22)
- Exceeding decibel sound levels prohibited, with chart, listing residential, commercial, industrial spaces, by day and night, with decibels, spanning 50 to 80 dBA.
- Disrupting quiet enjoyment of home unreasonable based upon time, size, amplification, other
- Restrictions amplified outdoor music
- Exceptions (i.e., bells, sirens, city authorized, etc.)
- Exhaust, mufflers
- Use of sirens and red lights restricted

Lakewood (with some detail):

- Declaration of policy
- Definitions (includes unreasonable noise, “means any excessive or unusually loud sound, or any sound which disturbs the peace and quiet of any neighborhood or causes damage to any property or business.)
- Prohibited noise--General prohibition (“No person shall knowingly make or continue, or cause to be made or continued, any unreasonable noise within the city.)
- Unlawful noises generally (lists causes of noise: bells and chimes; radios, television sets, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause any unreasonable noise; animals or birds; exhausts—mufflers; defect in vehicle or load; quiet zone (covers schools, churches, courts); dynamic braking devices, trash truck load and unloading; haul route). For some items, limits are prescribed on Sundays, holidays, evening hours.
- Prohibited noise—sound level standards
- Construction activities, prohibited Sundays, holidays, evening
- Repair or maintenance power equipment, prohibited Sundays, holidays, evening
- Exceptions, cover emergency work, certain roof and power repairs, snow plowing, sweeping of streets
- Temporary exemption from ordinance
- Amplified sound, prohibited at night, cannot be audible at 25 feet without a permit
- Application for permit to use sound-amplifying equipment in a motor vehicle
- Permit issuance

Longmont:

- Unreasonable noises prohibited; prima facie unreasonable noises (lists)
- (Note: There was no list of definitions but these seemed to be included in the text.)
- Maximum permissible sound pressure levels; definitions and exceptions, with a chart by residential, commercial, industrial spaces, by day and night, spanning dBA from 50 to 75.
- Additional noise standards and exemptions for specific operations and activities
- Civil enforcement

According to Noise Free America’s research (How to Fight Noise: A Guide to Reducing Community Noise Pollution pgs. 9-11), noise ordinances should address, but not be limited to, the following essential provisions (1-32):

1. Plainly audible standard:..enforcement officials detect excessive noise from motor vehicles, motorcycles, and houses.

2. Ten-foot rule:...motor vehicle/motorcycle/houses no electronically amplified sound plainly audible beyond ten feet from its source.
3. No loud pipes:...no exhaust pipe or muffler not approved under given State noise abatement requirements.
4. No loud amplifiers:...electronic amplification equipment...generating noise beyond a specified decibel level within a motor vehicle...deemed a misdemeanor or better; subject the installer to a prescribed punishment and/or fine.
5. Punishment for loud pipes:...unapproved engine exhaust pipes or mufflers on a motor vehicle or motorcycle...deemed a gross misdemeanor and subject the installer to a prescribed punishment and/or fine.
6. No jake brakes:...prohibited...owner and operator...subject to a prescribed punishment and/or fine.
7. Fines for loud vehicles:...excessive noise or noises... subject to a prescribed punishment and/or fine.
8. Impoundment of loud cars: ...vehicles...issuing excessive noise or noises shall be subject to immediate impoundment...in case of impoundment, the offending equipment shall be confiscated, and the owner and/or operator shall be subject to impoundment fees, equipment removal costs, and a prescribed punishment and/or fine.
9. No gasoline-powered leaf blowers:...sale and use of all gasoline-powered leaf blowers shall be prohibited.
10. Punishment for owners of barking dogs: ...The owner of a canine whose bark is heard continually beyond a given property line for a prescribed period of time shall be subject to punishment and/or fine....
11. Limitations on power equipment:...outdoor power equipment shall be permitted within time periods...
12. Time limits on construction and garbage collection...
13. Car alarms prohibited:... sale and installation of electronic car alarms shall be prohibited...the use of more effective passive anti-theft systems (such as The Club and Lo Jack) shall be recommended and their use encouraged through public service announcements.
14. Limitations on jet skis:...maximum exhaust noise issuing from jet skis...Violators will be subject to a prescribed fine and the offending equipment will be subject to impoundment.
15. Limitations on ATVs:...maximum exhaust noise issuing will be subject to a prescribed fine and the offending equipment will be subject to impoundment.
16. Limitations on dirt bikes:...maximum exhaust noise issuing from motorized dirt bikes shall be prescribed...Violators will be subject to a prescribed fine and the offending equipment subject to impoundment.
17. Limitations on snowmobiles:...maximum exhaust noise issuing from snowmobiles shall be prescribed. Violators will be subject to a prescribed fine and the offending equipment subject to impoundment.
18. No jet skis at public beaches...
19. No ATVs and dirt bikes on specified lands...
20. Limitations on motorized watercraft...prescribed by county and local ordinance.
21. Zones without motorized watercraft...as prescribed...
22. Snowmobile restrictions...prohibited...
23. Livability Courts: Livability Courts to deal with everyday quality of life issues should be considered for every locale...
24. No state boom car training: ...no school receiving State funding shall offer courses on the installation of prohibited electronic amplification devices in motor vehicles or the installation of motor vehicle exhaust systems which exceed State-mandated noise levels...Nor shall any student receive State funding in order to pursue such a course at any teaching institution, private or public...
26. Anti-noise curriculum: A broad-based public education anti- noise campaign should be implemented, especially in the public schools.
27. Anti-noise coordinator: an anti-noise coordinator who will oversee the implementation of the Noise Code, assure compliance, arbitrate the changes and modifications requested, and oversee the selection and

training of sworn non-police “noise monitors” who will be granted full powers of enforcement for noise statutes.

28. All private vehicles: The Noise Code shall apply to all registered and unregistered motor vehicles. Exemptions for police, fire, ambulance, and other official and unofficial emergency motor vehicles as well as other special cases shall be considered by the noise czar on a request basis.

29. Limiting siren noise:...plan to limit unnecessary horn and siren blowing by police, fire, and emergency vehicles.

30. Limitations on outdoor compressor units:...not exceed specified decibel levels within a specified distance from the nearest dwelling...subject to per diem prescribed fines.

31. Noise walls: construct noise walls along highways in heavily traveled and densely populated areas.

32. Adequate funding: provide funding and resources necessary for enforcement of these provisions.

John Eichwald, MA; Padmaja Vempaty, MSW, MPH; and Yulia Carroll, MD, PhD; (The Hearing Journal, July 2021, Volume 74, Issue 7) did a review of 60 U.S. Environmental Community Noise Ordinances. An analysis of 491 U.S. noise ordinances in 2016 revealed most communities used multiple standards to regulate noise exposure, including nuisance, zoning, audibility decibel levels, time of day, and distance. In this 2021 study investigators reviewed and classified 60 existing community noise ordinances. Searches were conducted on local government web pages or via legal code databases. The 10 most populated U.S. cities were analyzed, as well as 50 community noise ordinances randomly chosen from across the nation. Ordinances were specifically reviewed to identify 22 key aspects of noise ordinances, including five key noise control measures: audibility, time of day, decibel level, zoning, and specified quiet zones to protect vulnerable communities (e.g., hospitals, schools). Ordinances were also reviewed for legal language identifying the entity or agency responsible for enforcement and the penalties, if any. Law enforcement (police or sheriff), was identified as at least one of the designated authorities in charge of the noise ordinance in 31 of the reviewed ordinances. Officials in charge of codes, inspections, and other types of regulations were identified in 12 (20.0%) of the ordinances. Health agencies were listed as having authority in 10 (16.7%). Noise control officers or a specific noise control authority were clearly specified in 4 (6.7%) ordinances. Jurisdictional administration, such as the city council, and other administrative offices, e.g., housing, animal control, public safety, had authority in 20 (33.3%). In 14 (23.3%) ordinances, the authority of regulation was not identified or unclear.

Among the 60 communities, 40 (66.7%) included fines in their ordinances. Civil penalties or infractions were found in 21 (35.0%). Charges of misdemeanor were listed as penalties in 18 (30.0%), and 6 (10.0%) stated violation could result in imprisonment. In 21 (35.0%) jurisdictions, local ordinances specified that infractions constituted a civil violation. Seven communities (11.7%) had no penalty nor enforcement clauses in their noise codes, two (3.3%) had enforcement but no penalties, six (10.0%) had penalties but no enforcement, and 45 had both written enforcement and penalties.

Of concern is the finding that nearly one-fourth of noise ordinances did not have an enforcement body identified, although a general enforcement statute may be listed elsewhere in the local code. If a community has a noise ordinance and a disturbing the peace ordinance, it may be easier for law enforcement to cite disturbance of the peace, which is likely more subjective and has less stringent legal requirements. Although the number of key noise control measures in a jurisdiction reveals the variety of methods used, it is not necessarily a measurement of its effectiveness. A community could potentially include all five of the controls but find them ineffective, confusing, and difficult to enforce. Objective measurements might not be available for noise monitoring, or enforcement officials may not have the necessary training to properly utilize noise measurement equipment. In such situations, enforcement officers might be more likely to cite a more subjective ordinance, such as disturbing the peace. This review did not account for noise regulations included in ordinances related to disturbance of the peace,

land use or zoning, and in other parts of the local code. These regulations are not always cross-referenced in the noise ordinance.

Enforcement of Noise Pollution Ordinances

The United States Department of Justice issued a report titled “Loud Car Stereos” (US Dept. of Justice, NCJRS Virtual Library 05/2002) linking boom cars to crime, drugs, and gangs. Many sociologists subscribe to the “broken windows” theory, which holds that evidence of community disorder (such as broken windows, unmowed lawns, and abandoned properties) leads to crime. Similarly, the “broken eardrums” theory holds that excessive noise lowers a community’s quality of life, lowers property values, and creates the idea that the bad guys are in control. So noise ordinances need to be enforced for a variety of reasons including the physical and emotional/behavioral health of citizens.

Elkhart, Indiana, a town of around 54,000 near the University of Notre Dame, demonstrated the relationship between noise and quality of life (Elkhart, Indiana Noise Ordinance Yields Drugs and Weapons Arrests and Pays for Itself; NoiseFree.org 2008). The city’s anti-noise program relies on active enforcement of their noise ordinances to reduce noise. The strict fines from noise enforcement generate revenues to fund a noise enforcement officer and anti-noise publicity. Also, the lessening noise levels have improved the community’s quality of life and reduced crime. Then-Mayor Dick Moore told the Common Council: “We are determined to eradicate noise pollution in our city, from boom boxes, broken mufflers, train whistles, loud motorcycles and other sources by initiating a zero tolerance noise ordinance.”

In one recent year, the noise control police officer issued 1,200 tickets, generating more than \$273,000 in fines. In two years, noise fines have generated more than \$400,000. The fines not only deter noise and punish noisemakers; they also fund the anti-noise program. Noise fine revenues have been used to equip a Ford Mustang as an unmarked police vehicle as well as produce and distribute public service announcements on the hazards of noise. Fines for noise violations in Elkhart were stiff (2008): \$ 250: first offense; \$ 500: second offense; \$1000: third offense; \$2500: fourth offense. Elkhart’s noise control officer did more drug busts than any other Elkhart police officer—and he was looking for noise violators, not drugs. Elkhart’s experience demonstrates the strong link between noise, guns, drugs, gangs, and crime. Elkhart officials are enthusiastic about the anti-noise program. According to the Police Chief then he said, “Elkhart’s noise ordinance has had a positive impact on the city’s quality of life.” Tim Balyeat, Elkhart’s assistant police chief, commented that “since the inception of the anti-noise program, Elkhart has become a quieter place to live.”

Bradley Vite, an Elkhart resident who led the campaign to institute the policy, said that “Elkhart’s anti-noise program is a great tool to reduce crime. Noise control police officers have found meth labs, marijuana, cocaine, weapons, and individuals with outstanding warrants. Noise is a quality of life issue. The actions of the city government and the police have dramatically reduced noise.” Elkhart’s anti-noise program is a model for the nation. No taxpayer money is involved. The noisemakers themselves fund the program. If every community took noise enforcement seriously, crime would be reduced significantly.

Inter.noise, 2012, August 19-22, New York City discusses noise ordinances and how to enforce them. The standard of plainly audible has advantages for ordinance enforcement. This paper states that performance standards for noise ordinance enforcement require sound level meters and personnel trained to use the meters. Nuisance standards are vague and overbroad. The validity of plainly audible standards has been upheld in Courts across the Nation.

Since the pandemic of 2020 many employers have moved to employees working from home, virtual meetings and work days, and literally creating work schedules that exist 24 hours a day and 7 days a week. Traditional quiet hours no longer capture the hours needed for noise abatement. **Noise pollution needs abatement 24/7.** The Noise Control Act of 1972 clearly says that the primary responsibility for noise pollution control lies with State and Local governments.

Local law enforcement agencies enforce state fireworks laws (Penalties for Violation of State Law, Legislative Council Staff issue brief, 08/2020). Colorado law identifies the sale or use of illegal fireworks as a Class 3 misdemeanor resulting in a fine of \$50 to \$750 and up to six months in jail. In addition, violators can have fireworks seized. Municipalities may prescribe and enforce more severe penalties for violations of their ordinances. Colorado law establishes penalties for setting fires and reckless conduct resulting in fires. Conviction may result in jail time of up to 12 years and a fine of up to \$750,000 for some offenses. A judge may order an offender to pay for property destroyed, injuries caused by a fire, or restitution to emergency responders to cover the costs of responding to the fire. Victims impacted by criminal activities may also sue individuals. Is it time to get serious in Lakewood about illegal fireworks and the resultant mental health, well being, safety and devastating fire dangers that they pose?

Lakewood, NJ signed into law a bill to help police put the brakes on “boom cars” and parties with boom boxes (Lakewood Scoop, Lakewood, New Jersey, 08/08/23). Employing the use of plainly audible and sound meters in their noise ordinance put the brakes on boom car noise with substantial fines and enforcement of those fines.

Examples of noise ordinance violation type and fines for 1st, 2nd and 3rd offense in Portland, Oregon: Residential violation: \$150, \$300, \$1,500; Construction violation: \$300, \$1,000, \$3,000; Open space, commercial, industrial violations: \$300, \$1,000, \$3,000. Additional violations after a third violation shall be set at the maximum level of \$5,000. Enforcement of noise ordinances varies from City to City. Portland has an Office of Neighborhood Involvement (ONI) and ONI Noise Inspectors are part of their enforcement staff. Police Officers, Special Officers, Code Enforcement Officers, Health Inspectors and Volunteers may all play a part in enforcement.

Capacity is the number of people who spend part of their time working on town or city business. Capacity is key to successful enforcement initiatives. New capacity does not always have to be paid, though. Volunteers, particularly youth and retirees, offer skills and energy that can move an enforcement program from paper to action. Determining who will actually implement the enforcement program is as important as the actual enforcement measures. Leaders should get creative as they consider who can participate in the enforcement program and what unique assets each person brings to the enforcement and compliance effort.

The following groups can assist in the enforcement program (CodeCompliance / Enforcement, The Western Planner, 06/27/2018) :

PERSON / ORG.	WHO & HOW
Enforcement Resource Sharing	Several communities in northern Utah currently share the cost of enforcement by having multiple jurisdictions pay a contractor (in many cases the local sheriff's office) to cite violations in their jurisdictions. Other communities also pay local law enforcement to issue fines and clean up violations.
Community Institutions (Churches, Clubs, etc.)	Local scout troops, churches, and service organizations are great resources for helping residents with trash, cars, or other blight problems. These local institutions can increase the number of residents aware of clean-up days and code requirements. They also reduce barriers for citizens resistant to city interference with their property. Public works vehicles and volunteers vehicles can be used in partnership with these institutions to maximize participation.
Citizens	Citizen complaints can be the primary information source for violations in the city. Online submission forms tied into community websites provide a low-cost means of collecting citizen complainants addresses, contact information, dates, and concise descriptions of violations before the complaint is submitted. These systems require a community to make someone available to follow up on complaints.
Planning & Zoning Commission	Planning and zoning commission members should know the code and the general plan; this knowledge makes them ideal candidates for an enforcement team. This can be done with compensation for commission members or pro bono. Flexibility should be provided to these groups to institute legal, yet creative, enforcement programs.
Neighboring Communities	For communities with no capacity to pay, trading services with neighboring communities can reduce costs and ensure enforcement. In this scenario, two neighboring cities would provide code violation warnings and fine violators for each other. This allows a third party to cite violations which may reduce interpersonal tensions in small towns. It also makes high-school sports games more interesting.
Private Company on Retainer	Similar to enforcement sharing, communities can put their code enforcement on retainer to a private entity. This provides arms-length, unbiased enforcement and helps ensure consistency across the community.
Citizen Inspectors	Cities can educate specific residents on the municipal code and train them on the cities enforcement procedures. The city can then allows these citizen inspectors to patrol their neighborhood, document violations, and begin the code enforcement process. Belligerent or repeatedly incompassant cases should be referred to city officials.

The US Environmental Protection Agency (EPA) shirked its duties to enforce the Noise Control Act of 1972. Quiet Communities has filed a case against the EPA, stating that when the EPA closed their Office of Noise Abatement and Control and the Noise Enforcement Division of the Office of Mobile Source and Noise Enforcement (1982), that the EPA abandoned its duties under the Noise Control Act (Case 1:23-cv-01649, pages 1-28, 06/07/2023 with United States District Court for the District of Columbia).

Successful enforcement in many Cities involves education. A broad-based public education anti- noise campaign is implemented in the community, as well as in the public schools. Another part of successful enforcement is the selection and training of sworn non-police "noise monitors" who are granted full powers of enforcement for noise statutes. (Noise Free America, How to Fight Noise:A Guide to Reducing Community Noise Pollution, 2021).

The Wheat Ridge Police Department is testing out something new this Fourth of July. They will take to the skies to try and cut down on illegal fireworks use. Officers with a newly established drone unit would be looking for fireworks and fires. Public Information Officer Alex Rose said in a statement that they'll

be using drones “to react to community firework concerns and to identify any hotspots that pop up from fires.” (9News, July 4, 2024)

Reasons not to Address Noise Pollution

Three forms of bias are discussed regarding arguments about not addressing noise pollution (Noise Off, 2004-2024).

1.) Social bias...where noise pollution is seen more as a lifestyle issue and not a public health issue...seeing the issue as a perceived loss of freedom/lifestyle.

2.) Economic bias where people/businesses refuse to acknowledge noise issues they created because they would be liable to mitigate or abate the issue.

3.) Bureaucratic bias where public officials are only doing enough to show they are doing something, rather than effectively reducing the problem where the end result is less noise for citizens.

Some people feel that they have an inalienable right to make all the noise they want in public and on their own property.

Households are not equally represented on environmental issues. If someone lives in a quiet area, they might question why other people complain so much about noise.

Some industries claim that noise mitigation and abatement can negatively impact their business. They argue that noise is a sign of prosperity and attempt to marginalize others who are critical of their policies.

In public hearings and discussions on the issue of noise codes, special interest groups often present the below position points and counterpoints:

Will advocate the use of decibel meters and specific protocols in measuring noise.

- Intended to make it difficult for law enforcement professionals to cite offenders for noise violations.
- Police departments are required to buy expensive decibel meters and train officers on how to use them.
- Decibel meters require maintenance and calibration for accuracy that most police departments cannot do on their own.
- Decibel meters cannot be used to measure noise in areas where there are other nearby noise sources.
- When violators challenge the summons in court, they often claim that the exact noise measuring procedures were not adhered to.
- In communities where a plainly audible standard is used for citing noise violations, police officers can more effectively enforce noise codes in the community.

Will call for additional studies and research.

- Will often retain or recommend their own consultants to legislators and conduct lengthy studies.
- Intended as a delaying tactic and to diminish the effectiveness of the noise code.

Will claim the legislation is discriminatory.

- Often claimed by motorcycle rights groups and associations by comparing noise levels and enforcement to other types of vehicles on roadways.
- By playing the victim of governmental and cultural bias, they seek to undermine any meaningful enforcement.
- Various regulations are required to address specific noise problems on vehicles: motorcycles with straight pipes, cars with amplified sound systems, car alarms, hot-rod exhaust systems, whistler exhaust tips, trucks with engine brakes and backup alarms. It is not discriminatory, it is specific.

Will claim the legislation is unconstitutional and un-American.

- Designed to play on a common narrative that the government is intruding on or taking away the fundamental rights of United States citizens; the government is waging a war on civil liberties; the government is creating a nanny-state intended to take away freedoms.
- These claims are lost on the simple fact that unmitigated noise takes away citizens rights. The Noise Control Act of 1972 recognizes that noise pollution is a societal problem for Americans.
- All vehicles manufactured and sold in the United States are regulated in its assembly, emissions (air and noise), safety features, ownership and operator licensing, vehicle registration, road worthiness (including annual inspections).
- Operating a motor vehicle is not a right, it is a privilege.

Will cite safety concerns for noise.

- There is no study on record or correlation between the noise level of a vehicle and its ability to reduce accidents. The claim that 'loud pipes save lives' is a myth.
- Leading automakers have testified in public hearings that car alarms also act as a safety feature for occupants to alert others in case of danger. There is no study on record or correlation to prove this.

Will cite that the costs to abate or mitigate noise will be too costly.

- The unrecognized costs for a lack of noise pollution enforcement is lost worker productivity, lower test scores for children, increased crime in areas affected by noise.

Will assert that majority opinion does not support noise pollution legislation.

- The Noise Control Act of 1972 recognizes that noise pollution is a societal problem for Americans.
- Public health policy is not decided by majority vote.

Will use word-play and hyperbole to assert a position in their interest.

- The American Motorcyclist Association (AMA) does not use the phrase 'motorcycle noise', they will instead use the phrase 'motorcycle sound'. They call legislation that limits motorcycle usage as "restrictions" instead of "regulation". In published articles, they have been quoted that motorcycle regulations "criminalize families". This kind of subtle phrasing is designed to spin their members, legislators and the media.

Will assert that noise pollution is diminishing.

- With an increasing prevalence of noise making technologies in vehicles, noise complaints are increasing.
- According to Harley-Davidson Motor Company, negative news stories regarding motorcycle noise have increased more than four hundred percent in the past ten years.

Ward Meeting Notes

Ward 4 meeting notes- 1.25.24:

Construction at Exposition Dr near Green Mountain Christian Church until 10:00pm
Lots of gunshots and fireworks being heard
Beech Park, young kids partying until 12 and 1 o'clock in the morning
Alameda from 470 to Bear Creek Blvd is a race track, same with Jewell to Kipling
Need a way for residents to reach out to us with their noise concerns.

Ward 2 meeting notes- 2.17.24:

When visiting other countries, appreciation of Lakewood CO becomes stronger but at times it seems we
our evolving is digressing vs progressing
Lawn mowing starts before 7:00am
Restaurants are getting noisier making it harder to have an intimate conversation
Alameda and Union shooting range is loud - Bristlecone Shooting range
What rules surround construction noise?
Illegal fireworks

Ward 3 meeting notes- 2.24.24:

What will be done about enforcing the noise related to the development at Belmar?
Cell tower humming
The trees on the Jewell frontage road at Jewell and Wadsworth were planted to minimize noise but this
has not helped, instead, the needles are blocking the sewer drains
Resident is concerned that law enforcement is not stepping in when needed
Motorcycles racing down Garrison and Mississippi/Alameda as well as Belmar area
Loud illegal mufflers on vehicles
Barking dogs

Ward 5 meeting notes - 4.3.24:

One resident shared how she loves the quiet mornings where she lives
How are we measuring? Is this something in our control?
Is there or can there be a balance of those who enjoy the noise and those who are affected by it?

Ward 1 meetings

Residents in Ward 1 consistently have reported the following over many months regarding noise
pollution:

Noise from the ongoing two and one-half years or so of demolition and construction activities on the
Colorado Christian University campus next to residential communities
Noise from Colorado Christian University campus events including the event center
Noise from drag racing trucks, cars, motorcycles, vehicle boom boxes and other vehicle noise on Colfax
Noise from 6th Avenue / Highway 6 morning, afternoon and evening from a variety of vehicles with
aftermarket mufflers, jake brakes and other distressing noise
Fireworks were mentioned consistently, especially weeks before and after the 4th of July, New Years and
other times

Other Meeting Notes

09/11/2023 Meeting with Sandy Nagler, Director of Programs with Archway Communities, and LAC Commissioner Griffin.

Ms. Nagler shared information about policies around noise in Archway Apartment Communities. She reported that language is embedded in their resident leases, regarding residents showing consideration for others and not behaving in a loud or obnoxious manner, not interfering with, disturbing or threatening the rights, comfort, health, safety, convenience and quiet enjoyment for others on the premises. In their leases it also states that residents and guests will refrain from making loud or boisterous noise or any other objectionable behavior. Residents will observe and comply with quiet hours. Residents and their guests will not commence, suffer or permit any nuisance in, on, or about the Community or in any way annoy, molest or interfere with the quiet enjoyment of any other Resident or with the management of the community. She discussed that noise pollution is thought of also in the built environment of new buildings; standard best practice is five layers of drywall for floors and ceilings and three layers between walls. She reported that overall design concepts are seen through a trauma-informed lens. Archway's partner architect, Shopworks, specializes in trauma-informed design.

02/29/2024 Meeting with Tracy Kraft-Tharpe, Jefferson County Commissioner and LAC Commissioners Mears and Griffin.

Commissioner Kraft-Tharpe has been involved with the concerns that Jefferson County residents have with airplane noise from Rocky Mountain Metropolitan Airport (RMMA). In 2021 a monthly community airport noise roundtable was developed in Jeffco and representatives from all affected communities attend these meetings as well as a representative from the Federal Aviation Administration (FAA). Commissioner Kraft-Tharpe is solution driven, makes every effort to listen to the community and is driven by the thought of "therefore what can we do?". Once an aircraft leaves the ground, it is regulated by the FAA. The airport is owned by Jefferson County, however, the air above the ground does not belong to and is not regulated by Jefferson County. There are voluntary noise abatement practices that airlines/pilots are encouraged to follow at RMMA. Some of these practices include climb out at best rate of climb to ensure aircraft are as high as possible as quickly as possible; reduce rotations per minute (RPM) when safe in order to make less noise; fly standard or higher glide paths: Overfly major road corridors and/or open space rather than neighborhoods when able and other practices to limit noise (see RMMA Community Friendly Flying Noise Abatement Checklist, 09/2023).

02/21/2024 Memorandum from Commander Rob Buchan and 03/20/2024 Meeting with Commander Rob Buchan, Agent Bob Nees and Agent Ben Bravdica of the Lakewood Police Department and the LAC Neighborhoods Subcommittee.

Memorandum and Meeting highlights:

Commander Buchan addressed some of the subjective wording in parts of Lakewood's noise ordinance. For instance, the term unreasonable noise is somewhat subjective. Enforcing noise ordinances are challenging because of the subjective nature of unreasonable noise compounded by the difficulty of responding to complaints while the noise is still going on. The absence of clear decibel limits with the unavailability of decibel measuring technology adds to the challenge. To further complicate the situation, public safety complaints take higher priority (calls/complaints are rated 1-6) than noise complaints, given the number of Lakewood Police Agents and the ability to have a consistent agent presence in the community. Programs similar to the Speed Watch Program / Neighborhood Watch Program through the Volunteer Support Team, may provide an avenue to assist with noise problems connected to motor

vehicles and fireworks. It seems as if fines or consequences for noise complaints are not much of a deterrent. Regarding the crime analysis statistics shared and number of citizen calls only about 2 % resulted in a report being taken? It was noteworthy that Ward 1 reports regular noise problems (construction and student events) with CCU, yet the Commander was not aware of this. Speeding, street racing and noise from motor vehicles seem to be issues in all Wards and law enforcement has difficulty enforcing speed/noise ordinances. Public safety was mentioned as a concern if Agents were to pursue speeders. Employing Commission Service Officers with 2 year vs. 4 year degrees might be an option to consider given the need for more of a presence to enact enforcement of ordinances.

04/16/2024 Telephone Meeting with Michael Prange, Commander Research and Development Jefferson County Sheriff's Office with LAC Commissioner Griffin.

Commander Prange and LAC Commissioner Griffin discussed the Jefferson County Noise Abatement Policy (04/24/07). The Sheriff's Office is responsible for investigating calls regarding violations of this policy. The Sheriff's Office does maintain sound measuring equipment that they use in some situations where there is a pattern or a trend regarding a violation of the noise abatement policy. The violation penalties in the County policy are not much of a deterrent. Noise issues are similar to Lakewood and other cities including among other issues: apartment/residence noise, establishment noise, fireworks noise, construction noise, vehicular and roadway noise.

04/18/2024 Telephone meeting with Sue King, Volunteer with the Lakewood Police Department., with LAC Commissioner Griffin.

Talked with Ms. King about her Volunteer work with the Lakewood Police Department (Volunteer Support Team). Training requirements vary by position, many which require Volunteers to successfully complete the Citizen Police Academy Program. Asked her how Volunteers were used aiding the police agents with illegal fireworks and other programs/tasks. She raised the question whether or not Code Enforcement Officers had any part with the enforcement of Lakewood's noise ordinance.

RESEARCH LINKS :

Health Effects of Noise Pollution:

<https://environmentalhealth.ucdavis.edu/blog/could-everyday-noise-be-affecting-your-health#:~:text=A%20joint%20study%20conducted%20by,blood%20pressure%2C%20heart%20disease%2C%20sleep>

<https://www.technologyreview.com/2022/04/27/1048563/sounding-the-alarm-on-noise-and-health/>

https://mgaleg.maryland.gov/cmte_testimony/2022/fin/1jBzeRMAhDw-1HjifRx0qB5zn91EFrE7C.pdf

<https://www.cbc.ca/radio/whitecoat/the-dose-noise-health-1.6889724> It may seem like just an annoyance, but noise has an impact on our bodies July 1, 2023

<https://fortune.com/well/2023/06/12/too-much-noise-hurt-health-shorten-lifespan/>

https://quietcommunities.org/children-need-quiet-environments-to-help-early-brain-development/?mc_cid=07a3ed580f&mc_eid=2edc00b9f5

https://quietcommunities.org/draft-40/?mc_cid=07a3ed580f&mc_eid=2edc00b9f5

<https://www.eea.europa.eu/ims/health-impacts-of-exposure-to-1>
https://quietcommunities.org/brain-health-in-the-news/?mc_cid=07a3ed580f&mc_eid=2edc00b9f5

https://www.ptsd.va.gov/understand/what/fireworks_ptsd.asp#:~:text=Any%20of%20these%20sounds%2C%20sights,intense%20fires%20or%20gun%20violence

<https://stmlearning.com/news/mental-health/fireworks-and-their-implications-for-those-with-ptsd/>

<https://www.hsph.harvard.edu/news/hsph-in-the-news/noise-pollution-can-lead-to-sleep-issues-chronic-health-problems/#:~:text=February%20%2C%202023%20%E2%80%93%20Noise%20pollution,and%20anxiety%2C%20according%20to%20experts>

<https://medicalxpress.com/news/2023-01-lost-jangled-nerves-onslaught-noise.html>

<https://www.portagepath.org/not-so-silent-saboteur/>

<https://www.eme.psu.edu/event/noise-pollution-and-mental-health>

<https://grist.org/health/where-is-noise-pollution-worst-redlined-neighborhoods/>

<https://www.liebertpub.com/doi/full/10.1089/env.2021.0085>

<https://www.axios.com/local/denver/2023/08/24/noise-pollution-denver-health>

<https://www.latimes.com/archives/la-xpm-1991-08-30-vw-1464-story.html>

<https://lawcat.berkeley.edu/record/1114290?ln=en&v=pdf>

<https://apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Noise-as-a-Public-Health-Hazard>

<https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution#:~:text=Health%20Effects,sleep%20disruption%2C%20and%20lost%20productivity>

[https://www.cdc.gov/nceh/hearing_loss/public_health_scientific_info.html#:~:text=The%20World%20Health%20Organization%20\(WHO,period%20to%20avoid%20hearing%20impairment](https://www.cdc.gov/nceh/hearing_loss/public_health_scientific_info.html#:~:text=The%20World%20Health%20Organization%20(WHO,period%20to%20avoid%20hearing%20impairment)

<https://www.scientificamerican.com/article/everyday-noises-can-hurt-hearts-not-just-ears-and-the-ability-to-learn/>

Airport, Highway, Construction, Equipment and Motorized Vehicle Noise Pollution:

<https://www.codot.gov/programs/environmental/noise/assets/cdot-naag-9-21-20.pdf>

https://www.fhwa.dot.gov/environment/noise/construction_noise/

<https://www.themomentum.com/articles/are-lawn-mowers-becoming-outdated-yes-and-so-is-your-lawn#:~:text=volatile%20organic%20compounds.-,These%20emissions%20can%20lead%20to%20respiratory%20issues%2C%20exacerbate%20asthma%20symptoms,to%20a%20passing%20subway%20train>

<https://quietcommunities.org/>
https://mgaleg.maryland.gov/cmte_testimony/2022/fin/1jBzeRMAhDw-1HjifRx0qB5zn91E7C.pdf

https://quietcommunities.org/loudoun-county-works-to-mitigate-noise-from-dulles-airport/?mc_cid=07a3ed580f&mc_eid=2edc00b9f5

https://quietcommunities.org/uab-hospital-goes-electric-with-ground-maintenance/?mc_cid=69495da02c&mc_eid=2edc00b9f5

<https://www.jeffco.us/DocumentCenter/View/357/Noise-Abatement-Policy-PDF>

<https://www.codot.gov/programs/environmental/noise/noise-faqs.html>

[Where is noise pollution the worst? Redlined neighborhoods. | Grist](#)

<https://www.jeffco.us/4119/Roundtable-FAQs>

<https://www.bigrentz.com/blog/how-to-prevent-noise-pollution>

 **RMMA Voluntary Noise Abatement Brochure - 2023_202309141027227382.pdf**

<https://bouldercolorado.gov/projects/addressing-impacts-landscaping-equipment>

<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p015-pub.pdf>

<https://earthsciences.uconn.edu/2021/07/19/motorcycle-noise-pollution-silences-nature-2/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3018517/>

<https://noisefree.org/sources-of-noise/motorcycles/>

Parks, High Density Residential/Commercial Areas and Outdoor Recreation Noise Pollution:

https://quietcommunities.org/uab-hospital-goes-electric-with-ground-maintenance/?mc_cid=69495da02c&mc_eid=2edc00b9f5

https://quietcommunities.org/pickleball-noise-is-disruptive-to-nearby-residents/?mc_cid=978bdb37a9&mc_eid=2edc00b9f5

https://quietcommunities.org/drone-displays-replace-fireworks-on-fourth-of-july/?mc_cid=978bdb37a9&mc_eid=2edc00b9f5

[https://shopworksarc.com/tid/;](https://shopworksarc.com/tid/)

[Where is noise pollution the worst? Redlined neighborhoods. | Grist](#)

<https://www.businessinsider.com/pickleball-court-noise-driving-us-all-crazy-scientists-trying-solution-2023-11>

<https://www.allcountypop.com/blog/what-is-considered-excessive-noise-in-an-apartment>

<https://www.latimes.com/california/story/2022-03-03/pickleball-noise-fueling-neighborhood-drama>

<https://www.athleticbusiness.com/facilities/rec-center/article/15382536/noise-issue-prompts-denver-parks-and-rec-to-remove-pickleball-from-park-abandon-new-court-plan>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8140530/?report=printable>

https://www.cml.org/docs/default-source/cml-newsletter/cml-newsletter-2023-9-22.pdf?Status=Temp&sfvrsn=37cb8ddc_2 Page 7 pickleball noise pollution

<https://www.tractorsupply.com/tsc/cms/life-out-here/garden-home-land/lawn/electric-vs-gas-lawn-mowers-the-key-differences#:~:text=Quiet%20operation%3A%20If%20lawn%20mower,the%20sound%20of%20a%20motorcycle.>

Measurement of Noise Pollution:

ExplainThatStuff. Sound level (decibel) meters. <https://www.explainthatstuff.com/soundlevelmeters.html>

3M Occupational Health & Environmental Safety Division. Sound and enforcement. <https://multimedia.3m.com/mws/media/796161O/3mtm-sound-enforcement-white-paper.pdf>

CDOT. Noise FAQs. <https://www.codot.gov/programs/environmental/noise/noise-faqs.html>

City and County of Denver. Denver Noise Control Ordinance, Common Noise Measurements. https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/PHI/HFHH/DDPHE_NoiseThermometer_20180817.pdf

Federal Aviation Administration. Fundamentals of Noise and Sound. https://www.faa.gov/regulations_policies/policy_guidance/noise/basics

How can you measure community noise levels effectively? <https://www.linkedin.com/advice/1/how-can-you-measure-community-noise-levels#:~:text=The%20most%20common%20instrument%20for,sound%20pressure%20level%20in%20decibels>

Larson Davis. SoundTrack® LxT Noise Ordinance Sound Level Meter. <https://www.larsondavis.com/Products/sound-level-meters/soundtrack-lxt-nforcer>
Mobile Learning Toolkit for Educators Measuring levels of noise in a town. [Measuring noise levels in a town](#)

NIOSH Sound Level Meter Application (app) for iOS devices. <https://www.cdc.gov/niosh/topics/noise/pdfs/NIOSH-Sound-Level-Meter-Application-app-English.pdf>

Svantek Academy. Sound Level Meter. <https://svantek.com/academy/sound-level-meter/>
<https://soundproofingguide.com/decibels-level-comparison-chart/>

<https://ilsr.org/rule/noise-pollution/2446-2/>

<https://docsonline.sanantonio.gov/DSDUploads/TFSubmission-Plainlyaudiblestandard.pdf>

<https://noiseawareness.org/info-center/common-noise-levels/>

https://reviews.chicagotribune.com/reviews/best-sound-level-meters?cid=18718368717&acid=3&aid=145876833107&eid=&tid=kwd-426060263013&ul=9028824&mt=p&n=g&d=c&dm=&dt&sn&adid=631091549983&k=best%20sound%20level%20meters&p=&pc=&ap=&chtrb=1&gad_source=1&gclid=Cj0KCQjw2a6wBhCVARIsABPeH1saE4_uGUUJUThaImGPst2mNlkfLrTFN8kCUjlYLcguCb9WH2eM-YMaAkWIEALw_wcB

<https://www.motortrend.com/news/new-york-traffic-camera-exhaust-noise-muffler-ticket/>

<https://www.wate.com/news/noise-camera-to-be-tested-in-downtown-knoxville/>

<https://www.traffictoday.com/opinion/opinion-noise-cameras-the-next-big-thing-in-its.html>

<https://www.generalnoise.co.uk/>

City/County/State/Federal Noise Ordinances:

Lakewood Noise Ordinance 10/3/2023

https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT9PUPESA_VOFAGPUPE_CH9.52NO

<https://corporate.findlaw.com/law-library/guidelines-for-drafting-municipal-noise-control-ordinances.html>

https://elkhartindiana.org/wpfd_file/noise-ordinances/

https://sheriff.elkhartcounty.com/documents/2562/Noise_Ordinance_2013-407.pdf

<https://noise-ordinances.com/american-noise-ordinances-and-bylaws/municipal-noise-by-laws-in-the-united-states/>

https://library.municode.com/co/arvada/codes/code_of_ordinances?nodeId=PTIICOOR_CH38EN

<https://www.charlottenc.gov/files/sharedassets/city/v/1/city-government/departments/documents/ord-bk-62-2019.06.24.pdf>

https://journals.lww.com/thehearingjournal/Fulltext/2021/07000/Review_of_60_U_S_Environmental_Community_Noise.10.aspx

<https://bouldercolorado.gov/news/city-council-approves-change-noise-ordinance>

<https://noisefree.org/wp-content/uploads/2017/12/boulder.pdf>

<https://noise-ordinances.com/american-noise-ordinances-and-bylaws/state-noise-ordinances-and-regulations/>

<https://noise-ordinances.com/us-federal-noise-ordinances-and-regulations/>

<https://www.jeffco.us/DocumentCenter/View/357/Noise-Abatement-Policy-PDF>
https://goldenco.granicus.com/MetaViewer.php?view_id=2&clip_id=4346&meta_id=119957

<https://www.longmontcolorado.gov/departments/departments-n-z/public-safety-department/public-safety-services/loud-music>

<https://www.cityofpaloalto.org/files/assets/public/v/1/public-works/engineering-services/webpages/forms-and-permits/other-guidelines/cpa-noise-ordinance-030507.pdf>

[Denver Looking at Revisions to City Noise Ordinance | Westword](#)

<https://www.larimer.gov/policies/noise>

https://www.nonoise.org/lawlib/cities/co/cosprings_co.htm#:~:text=It%20is%20unlawful%20for%20any%20person%20to%20operate%2C%20drive%2C%20or,without%20the%20use%20of%20an

<https://docsonline.sanantonio.gov/DSDUploads/TFSUBMISSION-Plainlyaudiblestandard.pdf>

<https://ecode360.com/35455197>

Township of Lakewood, New Jersey noise ordinance

<https://thelakewoodscoop.com/news/bill-fining-boom-car-drivers-for-noise-violations-signed-into-law/>

https://www.cityofepa.org/sites/default/files/fileattachments/community_amp_economic_development/page/2731/epa_gp_chapter_10_safety_and_noise_final_201807271718467024.pdf

<https://www.cabq.gov/environmentalhealth/documents/albuquerque-nm-1.pdf>

Enforcement of Noise Pollution Ordinances:

<https://www.noiseoff.org/guide.php>

<https://noisefree.org/wp-content/uploads/2017/12/Elkhart-Boom-Car-Paper.pdf>

<https://thelakewoodscoop.com/news/bill-fining-boom-car-drivers-for-noise-violations-signed-into-law/>

[San Francisco Guidance for Noise Management and Enforcement](#)

<https://docsonline.sanantonio.gov/DSDUploads/TFSUBMISSION-Plainlyaudiblestandard.pdf>

https://leg.colorado.gov/sites/default/files/r20-916_update_fireworks_issue_brief.pdf

<https://www.portland.gov/policies/environment-built/noise-control/enb-501-noise-control-enforcement-and-penalties>

<https://www.portland.gov/policies/environment-built/noise-control>

https://www.bloomberglaw.com/public/desktop/document/QUIETCOMMUNITIESINCetalvUNITEDSTATESENVIRONMENTALPROTECTIONAGENCY?doc_id=X6JF272NECH840BF5DFRJT1G4O9;

<https://www.westernplanner.org/2017/published/features/2018/6/27/code-compliance-difficulties-and-ideas-for-small-towns?rq=code%20enforcement>

<https://coloradocommunitymedia.com/jeffco-transcript/>

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Reasons not to Address Noise Pollution

<https://noiseawareness.org/info-center/noise-civility/>

<https://noiseproject.org/noise-pollution-solutions-that-indulge-inequity/>

Noise Pollution Clearinghouses/Manuals; Summaries:

https://health.ucdavis.edu/mindinstitute/resources/resources_pdf/Noise_Pollution_7_14.pdf

<https://www.nonoise.org/>

<https://www.hudexchange.info/resource/313/hud-noise-guidebook/>

<https://www.britannica.com/science/noise-pollution>

<https://noisefree.org/wp-content/uploads/2021/11/NFA-How-to-Fight-Noise-manual-FINAL-VERSION.pdf>

<https://nvlpubs.nist.gov/nistpubs/Legacy/hb/nbshandbook119.pdf>

<https://www.nonoise.org/quietnet/cqe/final.htm>

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 8

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Comprehensive Plan Presentation**

SUMMARY STATEMENT: Staff is providing an informational update on the planning and engagement process to develop Lakewood's next Comprehensive Plan.

BACKGROUND INFORMATION:

The Sustainability and Community Development department, alongside staff representing all departments in Lakewood, are working with the community to update the City's Comprehensive Plan, which was adopted in 2015. The Comprehensive Plan will define a holistic, shared vision for Lakewood over the next 15 years and identify the goals, strategies and policy direction to achieve this vision. The city will use the Comprehensive Plan as the framework for future decision-making regarding land-use, housing, transportation, climate action, neighborhood vitality, equity and more.

PLANNING PROCESS

The planning process for the Comprehensive Plan update, called Envision Lakewood 2040, includes four phases as outlined below. The first phase, which was primarily internal, launched in late 2022 and was completed in December 2023. The second phase, which launched the public engagement part of the process, started in January 2024 and will continue through early 2025. The following shows the process phases and timeline as shared with the community at the outset of the project.

- Phase 1: Plan for the Plan (Nov. 2022 to Dec. 2023)
- Phase 2: Develop the Plan (started Jan. 2024)
- Phase 3: Refine and Adopt the Plan (anticipated for mid-2025)
- Phase 4: Implement the Plan (2025-2040)

COMMUNITY ENGAGEMENT UPDATES

A public engagement approach was created as part of Phase 1 and an extensive community engagement process to develop the content of the Plan began in January 2024 with the kick-off of Phase 2: Develop the Plan. The approach includes the following four principles that has guided the engagement process this year:

- **Accessibility:** The engagement process will be accessible, understandable, and welcoming to all who wish to participate.
- **Reach:** The engagement process will involve and inform as many members of the public as possible.
- **Diversity:** Participants will reflect the diversity of age groups, ethnicities, incomes, geographies, and special needs of the Lakewood population.
- **Impact:** Participation will influence and inform the decision-making process for the Lakewood Comprehensive Plan.

With these principles in mind, the engagement process so far has included the Vision and Values Survey,

community meetings, open houses, community Advisory Groups, outreach to the Lakewood Spanish-speaking community, popup events and ongoing outreach and communications through the project website, project newsletter and all city channels. These are each described in more detail below:

- **Vision and Values Survey (Winter 2024):** The first activity, described in more detail in the March 25, 2024, memo and presentation to City Council, was a four-question survey in English and Spanish that was open from Jan. 12 through Feb. 29, 2024. In an effort to hear from as many community members as possible, a prepaid postcard version of the survey (and information about the project) was included in both English and Spanish with the January edition of Looking@Lakewood. Looking@Lakewood is mailed to every household in Lakewood, approximately 85,000 addresses. The survey closed on Feb. 29 with approximately ~2,000 responses. The feedback gathered through the survey has helped inform and guide the rest of the process, including the work of the Advisory Groups, which is described below. The [full summary](#) is posted on the project website.
- **Community Meetings (Winter/Spring 2024):** The project team attended several community meetings for Wards, Neighborhood Organizations, Business Organizations, Sustainable Neighborhoods and the Lakewood Advisory Commission to spread the word about the project, share ways for community members to participate and answer questions.
- **Open Houses (Summer 2023, Spring 2024 and Fall 2024):** As of September, there have been two project-focused open house events with two more planned for October 2024. On August 21, 2023, an informational Open House for the City Council and Planning Commission was held to introduce the project and on April 16, 2024, two Open Houses were held on the same day between noon-1:30pm and 5pm-6:30pm to share the Vision and Values Survey Results and to promote the Advisory Group application.

In October 2024 two events will be held to share the vision, values and policy direction that the team has been working on over the summer with the Advisory Groups and to gather feedback that will help refine the drafts. On October 10, an Open House will be held from 4pm-7pm at Civic Center South in the atrium outside the Council Chambers and on October 11, a Latino Community Picnic will be held from 4pm-7pm at O’Kane Park. This event will be primarily offered in Spanish in partnership with Community Language Cooperative.

- **Community Advisory Groups (AGs) (Spring 2024 and Ongoing):** In May, through an application and selection process, the Community Engagement Ad Hoc City Council Committee appointed 51 community members to serve on three Advisory Groups: 1) Community and Quality of Life, 2) Housing and Economy and 3) Transportation, Green Infrastructure and Systems. The Advisory Groups are comprised of the appointed community members and Planning Commission representatives and receive support from city staff and project consultants.

The Advisory Groups were formed to have in-depth conversations with community members and staff about the vision, values and policy direction that will guide the Comprehensive Plan update. Between May and August there have been nine Advisory Group meetings. Each group has met one evening each month in May, June and August and so far, an estimated 650 hours have been spent by the volunteer members collectively reviewing and providing feedback on iterations of drafts for the Vision Statement, Guiding Principles, Goals and Strategies. The [meeting summaries](#) are posted on the project website. A fourth meeting is scheduled for Saturday, November 16 and will be a combined workshop with all three Advisory Groups to discuss the land use elements of the Comprehensive Plan. A fifth meeting is anticipated in Spring 2025 to review the final components of the Plan.

- **Outreach to Lakewood’s Latino Community (Spring 2024 and Ongoing):** The city is partnering with Community Language Cooperative (CLC) to outreach to Lakewood’s Spanish-speaking community. So far, CLC has conducted 40 hours of outreach and will do more to help promote the Latino Community Picnic on October 11th. CLC will also provide translation support during both the Community Open House and the

Latino Community Picnic.

- **Pop-up Events (Fall 2022 and Ongoing):** To reach more community members where they are at, the project team set up pop-up booths at several city-wide events including Cider Days, PossAbilities Expo (an event to connect the disability community with resources), Older Adults Wellness Fair, Earth Day, Big Belmar Bash and JeffCo Back to School Bash (which was a great opportunity to reach youth and parents!). More information on engagement, including pictures, can be found on the [Engagement Hub online](#). We will also have a booth at Cider Days this fall.
- **Project Website and Communications (Fall 2022 and Ongoing):** The project website, Lakewood.org/EnvisionLakewood2040 has been the informational hub since the fall of 2022. The project website features two other webpages, including the [Engagement Hub](#) and [Advisory Group](#) websites. 248 community members have [signed-up for email](#) updates so far. Project updates, event invites, and ways to participate have also been widely communicated through city channels, including Friday Reports, social media, Looking@Lakewood, emails to the Advisory Groups, registered Community Organizations (Neighborhood Organizations, Business Organizations, and HOAs), partner organizations and more.

ENGAGEMENT NUMBERS (and counting!)

- **85,000** postcards mailed out to Lakewood residents with **2,147** responses received and over **92,000** cumulative words of extensive feedback.
- **8,872** visits across the three project webpages on Lakewood Together.
- **800+** conversations with community members at events and meetings.
- **248** community members subscribed to project email updates.
- **53** posts on the City of Lakewood's social media channels generated **19,190** impressions and **676** engagements.
- **40** hours of outreach to Lakewood's Spanish-speaking community in partnership with Community Language Cooperative.
- **9** Advisory Groups meetings with an estimated **650** volunteer hours spent so far by the appointed community members and Planning Commission Representatives reviewing materials and participating in meetings plus a **10th** meeting scheduled in November 2024.
- **7** Pop-up booths at city-wide events.
- **4** Open House events with **1** of the events primarily offered in Spanish.
- **2** Planning Commission study sessions.

BUDGETARY IMPACTS: Funding for consultant services to support staff in this effort has been budgeted in 2023 and 2024. No additional funding is requested.

STAFF RECOMMENDATIONS: This is an information item for the City Council. No action is requested.

ALTERNATIVES: None

PUBLIC OUTREACH: Public outreach began in January 2024 and will continue throughout the duration of the project.

NEXT STEPS: At the end of November, after the October community events and the 4th Advisory Group meeting, the project team will finalize the Vision Elements (Vision Statement, Guiding Principles, Goals and Strategies) based on the extensive feedback from Advisory Groups members and community members. The team will also begin drafting the Land Use elements and the supplemental Implementation Framework. These

three components will be finalized over the winter by staff and project consultants and to meet new timeline goals, they are now aimed to be shared in early 2025 to begin Phase: 3 Refine and Adopt the Plan.

From this point in the plan development, through adoption by the Planning Commission and City Council, public involvement in the process will continue through a variety of means. The Council's engagement in this process is an important component in order to create a Comprehensive Plan that reflects Lakewood's visions and goals for the future.

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 9

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Appointing Members to the Lakewood Advisory Commission**

SUMMARY STATEMENT: A resolution appointing three members to the Lakewood Advisory Commission for partial, three-year terms which will start upon approval of this Resolution and end December 31, 2026.

BACKGROUND INFORMATION: The Screening Committee held interviews on September 26, 2024, and unanimously recommended three residents to be appointed to the Lakewood Advisory Commission.

Adoption of this resolution will officially appoint Robert Adams, Bradley Bruce, and Eduardo Fuerte-Sheen, to the Lakewood Advisory Commission, to serve the remainder of three-year terms. Their appointments will begin upon approval of this Resolution and will end on December 31, 2026.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Approval of the resolution.

ALTERNATIVES: Denial of any recommended appointments.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: Upon approval of the resolution by City Council, the new members will be contacted by City staff to receive orientation and begin serving on the Commission.

ATTACHMENTS: 1. Resolution 2024-55

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

2024-55

A RESOLUTION

APPOINTING MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION

BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The following people are hereby appointed to the Lakewood Advisory Commission to serve the remainder of three-year terms which commenced on January 1, 2024, and will end on December 31, 2026:

Robert Adams, a Lakewood resident
Bradley Bruce, a Lakewood resident
Eduardo Fuerte-Sheen, a Lakewood resident

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on October 14, 2024, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 11

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **CDOT IGA for Shared Use of CDOT's Maintenance Yard**

SUMMARY STATEMENT: This resolution would allow the City of Lakewood to enter into an intergovernmental agreement (IGA) with the Colorado Department of Transportation (CDOT) to partner on the use of solid de-icer materials to support the safety of the traveling public. The City of Lakewood will occasionally access CDOT's facility located at 12400 US 285 during snow and ice events and operate equipment to load Lakewood snowplows and dump trucks with solid de-icer materials annually from October 1st through April 30th.

BACKGROUND INFORMATION: Utilizing CDOT's maintenance facility will allow the City of Lakewood to have access to a secondary de-icer stockpile during the winter months for snow and ice operations. Currently, the City's snow plow trucks load and reload de-icer out of one location located at 850 Parfet Street, which is the City's current maintenance facility. Utilizing the proposed CDOT maintenance facility would improve efficiency and provide decreased operational costs associated with winter operations.

BUDGETARY IMPACTS: Cost savings for the City of Lakewood would include fuel, labor, and snowplow equipment wear and tear.

STAFF RECOMMENDATIONS: Approval of the resolution.

ALTERNATIVES: The City Council could choose not to approve the resolution which would result in the City not having access to a secondary stockpile of de-icer material. In this case, the City's snow plow trucks that operate in the southern part of the City would continue to use the City's maintenance facility at 850 Parfet Street.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If the resolution is approved, the IGA will be executed, and the City will utilize the CDOT maintenance facility located at 12400 US 285, to load its snow plow trucks with de-icer during winter snow plowing operations.

ATTACHMENTS: 1. Resolution 2024-56
2. CDOT-Lakewood IGA

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION REGARDING THE CITY OF LAKEWOOD'S USE OF THE COLORADO DEPARTMENT OF TRANSPORTATION'S SOLID DEICER MATERIALS AND FACILITY LOCATED AT 12400 US 285 IN MORRISON, COLORADO

WHEREAS, pursuant to C.R.S. § 29-1-203 and § 29-1-203.5 as amended, the City of Lakewood (the "City") and the Colorado Department of Transportation ("CDOT") have the authority to enter into an Intergovernmental Agreement (IGA);

WHEREAS, CDOT operates a facility located at 12400 US 285 in Morrison, Colorado (the "Facility") where it stores solid deicer materials and heavy equipment for the loading of such materials onto snowplows and dump trucks for use during cold weather events;

WHEREAS, the City desires to access the Facility and solid deicer materials during cold weather events for use on City of Lakewood streets and roadways;

WHEREAS, the City and CDOT desire to enter into an IGA to delineate each party's responsibilities and liabilities regarding the City's use of the Facility and the solid deicer materials; and

WHEREAS, the City is not obligated to contribute any funds for use of the Facility and solid deicer materials, but it must replace the solid deicer materials it uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby finds and determines that authorizing the City Manager to enter into an IGA, attached hereto as Attachment A and incorporated herein, between the City and CDOT for the City's use of CDOT's solid deicer materials and facility located at 12400 US 285 in Morrison, Colorado is and shall be in the best interest of the residents of the City, and hereby authorizes the City Manager to enter into the IGA with CDOT on behalf of the City.

SECTION 2. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on October 14, 2024, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STATE OF COLORADO INTERGOVERNMENTAL AGREEMENT

COVER PAGE

State Agency Department of Transportation	Contract Number 24-HA1-XC-00264-M0004
Contractor City of Lakewood	Contract Performance Beginning Date The Effective Date
Contract Maximum Amount \$0.00 THIS IS A NON-FUNDS ENCUMBERING INTERGOVERNMENTAL AGREEMENT	Initial Contract Expiration Date One year (1) after the Effective Date
Contract Authority C.R.S. § 29-1-203 allows governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units. C.R.S. § 24-101-105(1)(a)(II) exempts from the procurement code agreements with other governmental agencies.	
Contract Purpose This Intergovernmental Agreement sets forth the intention of the parties to partner on the use of solid deicer materials to support the safety of the traveling public.	
Exhibits and Order of Precedence The following Exhibits and attachments are included with this Contract: 1. Exhibit A – Statement of Work 2. Exhibit B – Executed Option Letters, if any In the event of a conflict or inconsistency between this Contract and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority: 1. Colorado Special Provisions in §18 of the main body of this Contract. 2. The provisions of the other sections of the main body of this Contract. 3. Exhibit A, Statement of Work. 4. Exhibit B, Executed Option Letters, if any	
Principal Representatives For the State: Mark A. Kyrimis Deputy Maintenance Superintendent, Section 5 720-376-1203 mark.kyrimis@state.co.us For Contractor: Justin Rickett Public Works Operations Manager 303-987-7955 JRickett@lakewood.org	

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

Each person signing this Contract represents and warrants that the signer is duly authorized to execute this Contract and to bind the Party authorizing such signature.

CONTRACTOR City of Lakewood By: Kathleen E. Hodgson, City Manager Date:	STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshana M. Lew, Executive Director By: Keith Stefanik, P.E., Chief Engineer Date:
2nd City of Lakewood Signature By: Max Kirschbaum, Director of the Department of Public Works Date:	3rd City of Lakewood Signature By: Gus Schenck, Senior Assistant City Attorney Date:
4th City of Lakewood Signature By: Jay Robb, City Clerk Date:	
In accordance with §24-30-202, C.R.S., this Contract is not valid until signed and dated below by the State Controller or an authorized delegate. STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: Department of Transportation Effective Date:	

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1. PARTIES

This Contract is entered into by and between Contractor named on the Cover Page for this Contract (the “Contractor”), and the STATE OF COLORADO acting by and through the State agency named on the Cover Page for this Contract (the “State”). Contractor and the State agree to the terms and conditions in this Contract.

2. TERM AND EFFECTIVE DATE

A. Effective Date

This Contract shall not be valid or enforceable until the Effective Date. The State shall not be bound by any provision of this Contract before the Effective Date, and shall have no obligation to pay Contractor for any Work performed or expense incurred before the Effective Date or after the expiration or sooner termination of this Contract.

B. Initial Term

The Parties’ respective performances under this Contract shall commence on the Contract Performance Beginning Date shown on the Cover Page for this Contract and shall terminate on the Initial Contract Expiration Date shown on the Cover Page for this Contract (the “Initial Term”) unless sooner terminated or further extended in accordance with the terms of this Contract.

C. Extension Terms - State’s Option

The State, at its discretion, shall have the option to extend the performance under this Contract beyond the Initial Term for a period, or for successive periods, of one year or less at the same rates and under the same terms specified in the Contract (each such period an “Extension Term”). In order to exercise this option, the State shall provide written notice to Contractor in a form substantially equivalent to the Sample Option Letter attached to this Contract. Except as stated in §2.D, the total duration of this Contract, including the exercise of any options to extend, shall not exceed five years from its Effective Date absent prior

approval from the State Purchasing Director in accordance with the Colorado Procurement Code.

D. End of Term Extension

If this Contract approaches the end of its Initial Term, or any Extension Term then in place, the State, at its discretion, upon written notice to Contractor as provided in §14, may unilaterally extend such Initial Term or Extension Term for a period not to exceed two months (an “End of Term Extension”), regardless of whether additional Extension Terms are available or not. The provisions of this Contract in effect when such notice is given shall remain in effect during the End of Term Extension. The End of Term Extension shall automatically terminate upon execution of a replacement contract or modification extending the total term of this Contract.

E. Early Termination in the Public Interest

The State is entering into this Contract to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Contract ceases to further the public interest of the State, the State, in its discretion, may terminate this Contract in whole or in part. A determination that this Contract should be terminated in the public interest shall not be equivalent to a State right to terminate for convenience. This subsection shall not apply to a termination of this Contract by the State for breach by Contractor, which shall be governed by §12.A.i.

i. Method and Content

The State shall notify Contractor of such termination in accordance with §14. The notice shall specify the effective date of the termination and whether it affects all or a portion of this Contract, and shall include, to the extent practicable, the public interest justification for the termination.

ii. Obligations and Rights

Upon receipt of a termination notice for termination in the public interest, Contractor shall be subject to the rights and obligations set forth in §12.A.i.a.

iii. Payments

If the State terminates this Contract in the public interest, the State shall pay Contractor an amount equal to the percentage of the total reimbursement payable under this Contract that corresponds to the percentage of Work satisfactorily completed and accepted, as determined by the State, less payments previously made. Additionally, if this Contract is less than 60% completed, as determined by the State, the State may reimburse Contractor for a portion of actual out-of-pocket expenses, not otherwise reimbursed under this Contract, incurred by Contractor which are directly attributable to the uncompleted portion of Contractor’s obligations, provided that the sum of any and all reimbursement shall not exceed the maximum amount payable to Contractor hereunder.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. **“Breach of Contract”** means the failure of a Party to perform any of its obligations in accordance with this Contract, in whole or in part or in a timely or satisfactory manner. If Contractor is debarred or suspended under §24-109-105, C.R.S. at any time during the term of this Contract, then such debarment or suspension shall constitute a breach.
- B. **“Business Day”** means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1), C.R.S.
- C. **“Chief Procurement Officer”** means the individual to whom the Executive Director has delegated his or her authority pursuant to §24-102-202 to procure or supervise the procurement of all supplies and services needed by the State.
- D. **“CJI”** means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under §24-72-302, C.R.S.
- E. **“Contract”** means this agreement, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future modifications thereto.
- F. **“Contract Funds”** means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Contract.
- G. **“CORA”** means the Colorado Open Records Act, §§24-72-200.1, *et. seq.*, C.R.S.
- H. **“End of Term Extension”** means the time period defined in §2.D.
- I. **“Effective Date”** means the date on which this Contract is approved and signed by the Colorado State Controller or designee, as shown on the Signature Page for this Contract. If this Contract is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), C.R.S., then the Effective Date of this Contract shall be the later of the date on which this Contract is approved and signed by the State’s Chief Information Officer or authorized delegate or the date on which this Contract is approved and signed by the State Controller or authorized delegate, as shown on the Signature Page for this Contract.
- J. **“Exhibits”** means the exhibits and attachments included with this Contract as shown on the Cover Page for this Contract.
- K. **“Extension Term”** means the time period defined in §2.C.
- L. **“Goods”** means any movable material acquired, produced, or delivered by Contractor as set forth in this Contract and shall include any movable material acquired, produced, or delivered by Contractor in connection with the Services.

- M. **“Incident”** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of any communications or information resources of the State, which are included as part of the Work, as described in §§24-37.5-401 et. seq. C.R.S. Incidents include, without limitation (i) successful attempts to gain unauthorized access to a State system or State Information regardless of where such information is located; (ii) unwanted disruption or denial of service; (iii) the unauthorized use of a State system for the processing or storage of data; or (iv) changes to State system hardware, firmware, or software characteristics without the State’s knowledge, instruction, or consent.”
- N. **“Initial Term”** means the time period defined in §2.B.
- O. **“Party”** means the State or Contractor, and **“Parties”** means both the State and Contractor.
- P. **“Services”** means the services to be performed by Contractor as set forth in this Contract, and shall include any services to be rendered by Contractor in connection with the Goods.
- Q. **“State Confidential Information”** means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Contractor which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Contractor without restrictions at the time of its disclosure to Contractor; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Contractor to the State; (iv) is disclosed to Contractor, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.
- R. **“State Fiscal Rules”** means that fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.
- S. **“State Fiscal Year”** means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- T. **“State Records”** means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- U. **“Subcontractor”** means third-parties, if any, engaged by Contractor to aid in performance of the Work.
- V. **“Tax Information”** means federal and State of Colorado tax information including, without limitation, federal and State tax returns, return information, and such other tax-related information as may be protected by federal and State law and regulation. Tax Information includes, but is not limited to all information defined as federal tax information in Internal Revenue Service Publication 1075.
- W. **“Work”** means the Goods delivered and Services performed pursuant to this Contract.

- X. **“Work Product”** means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Effective Date that is used, without modification, in the performance of the Work.

Any other term used in this Contract that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. STATEMENT OF WORK

Contractor shall complete the Work as described in this Contract and in accordance with the provisions of Exhibit A. The State shall have no liability to compensate Contractor for the delivery of any goods or the performance of any services that are not specifically set forth in this Contract.

5. RESERVED

6. REPORTING - NOTIFICATION

A. Quarterly Reports.

In addition to any reports required pursuant to §16 or pursuant to any other Exhibit, for any contract having a term longer than three months, Contractor shall submit, on a quarterly basis, a written report specifying progress made for each specified performance measure and standard in this Contract. Such progress report shall be in accordance with the procedures developed and prescribed by the State. Progress reports shall be submitted to the State not later than five Business Days following the end of each calendar quarter or at such time as otherwise specified by the State.

B. Litigation Reporting

If Contractor is served with a pleading or other document in connection with an action before a court or other administrative decision making body, and such pleading or document relates to this Contract or may affect Contractor’s ability to perform its obligations under this Contract, Contractor shall, within 10 days after being served, notify the State of such action and deliver copies of such pleading or document to the State’s principal representative identified on the Cover Page for this Contract.

C. Performance Outside the State of Colorado or the United States, §24-102-206, C.R.S.

To the extent not previously disclosed in accordance with §24-102-206, C.R.S., Contractor shall provide written notice to the State, in accordance with §14 and in a form designated by the State, within 20 days following the earlier to occur of Contractor’s decision to perform Services outside of the State of Colorado or the United States, or its execution of an agreement with a Subcontractor to perform, Services outside the State of Colorado or the United States. Such notice shall specify the type of Services to be performed outside the State of Colorado or the United States and the reason why it is necessary or advantageous to perform such Services at such location or locations, and such notice shall be a public record. Knowing failure by Contractor to provide notice to the State under this section shall constitute

a breach of this Contract. This section shall not apply if the Contract Funds include any federal funds.

7. CONTRACTOR RECORDS

A. Maintenance

Contractor shall maintain a file of all documents, records, communications, notes and other materials relating to the Work (the "Contractor Records"). Contractor Records shall include all documents, records, communications, notes and other materials maintained by Contractor that relate to any Work performed by Subcontractors, and Contractor shall maintain all records related to the Work performed by Subcontractors required to ensure proper performance of that Work. Contractor shall maintain Contractor Records until the last to occur of: **(i)** the date three years after the date this Contract expires or is terminated, **(ii)** final payment under this Contract is made, **(iii)** the resolution of any pending Contract matters, or **(iv)** if an audit is occurring, or Contractor has received notice that an audit is pending, the date such audit is completed and its findings have been resolved (the "Record Retention Period").

B. Inspection

Contractor shall permit the State to audit, inspect, examine, excerpt, copy and transcribe Contractor Records during the Record Retention Period. Contractor shall make Contractor Records available during normal business hours at Contractor's office or place of business, or at other mutually agreed upon times or locations, upon no fewer than two Business Days' notice from the State, unless the State determines that a shorter period of notice, or no notice, is necessary to protect the interests of the State.

C. Monitoring

The State, in its discretion, may monitor Contractor's performance of its obligations under this Contract using procedures as determined by the State. The State shall monitor Contractor's performance in a manner that does not unduly interfere with Contractor's performance of the Work.

D. Final Audit Report

Contractor shall promptly submit to the State a copy of any final audit report of an audit performed on Contractor's records that relates to or affects this Contract or the Work, whether the audit is conducted by Contractor or a third party.

8. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Contractor shall keep confidential, and cause all Subcontractors to keep confidential, all State Records, unless those State Records are publicly available. Contractor shall not, without prior written approval of the State, use, publish, copy, disclose to any third party, or permit the use by any third party of any State Records, except as otherwise stated in this Contract, permitted by law or approved in Writing by the State. Contractor shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Contractor or any of its Subcontractors will or may receive the following types of data, Contractor or its Subcontractors shall provide for the security of such data according to the following: **(i)** the most recently promulgated IRS Publication 1075 for all Tax

Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Contract as an Exhibit, if applicable, **(ii)** the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, **(iii)** the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and **(iv)** the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Contract, if applicable. Contractor shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Contractor may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Contract. Contractor shall ensure all such agents, employees, assigns, and Subcontractors sign agreements containing nondisclosure provisions at least as protective as those in this Contract, and that the nondisclosure provisions are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Contractor shall provide copies of those signed nondisclosure provisions to the State upon execution of the nondisclosure provisions.

C. Use, Security, and Retention

Contractor shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Contractor shall provide the State with access, subject to Contractor's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Contract, Contractor shall return State Records provided to Contractor or destroy such State Records and certify to the State that it has done so, as directed by the State. If Contractor is prevented by law or regulation from returning or destroying State Confidential Information, Contractor warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Contractor becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. Unless Contractor can establish that none of Contractor or any of its agents, employees, assigns or Subcontractors are the cause or source of the Incident, Contractor shall be responsible for the cost of notifying each person who may have been impacted by the Incident. After an Incident, Contractor shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State. The State may, in its sole discretion and at Contractor's sole expense, require Contractor to engage the services of an independent, qualified, State-approved third party to conduct a security audit. Contractor shall provide the State with the results of such audit and evidence of Contractor's planned remediation in response to any negative findings.

E. Data Protection and Handling

Contractor shall ensure that all State Records and Work Product in the possession of Contractor or any Subcontractors are protected and handled in accordance with the requirements of this Contract, including the requirements of any Exhibits hereto, at all times.

F. Safeguarding PII

If Contractor or any of its Subcontractors will or may receive PII under this Contract, Contractor shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Contractor shall be a "Third-Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 *et seq.*, C.R.S. In addition, as set forth in § 24-74-102, *et. seq.*, C.R.S., Contractor, including, but not limited to, Contractor's employees, agents and Subcontractors, agrees not to share any PII with any third parties for the purpose of investigating for, participating in, cooperating with, or assisting with Federal immigration enforcement. If Contractor is given direct access to any State databases containing PII, Contractor shall execute, on behalf of itself and its employees, the certification attached hereto as Exhibit C on an annual basis Contractor's duty and obligation to certify as set forth in Exhibit C shall continue as long as Contractor has direct access to any State databases containing PII. If Contractor uses any Subcontractors to perform services requiring direct access to State databases containing PII, the Contractor shall require such Subcontractors to execute and deliver the certification to the State on an annual basis, so long as the Subcontractor has access to State databases containing PII.

9. CONFLICTS OF INTEREST

A. Actual Conflicts of Interest

Contractor shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Contractor under this Contract. Such a conflict of interest would arise when a Contractor or Subcontractor's employee, officer or agent were to offer or provide any tangible personal benefit to an employee of the State, or any member of his or her immediate family or his or her partner, related to the award of, entry into or management or oversight of this Contract.

B. Apparent Conflicts of Interest

Contractor acknowledges that, with respect to this Contract, even the appearance of a conflict of interest shall be harmful to the State's interests. Absent the State's prior written approval, Contractor shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Contractor's obligations under this Contract.

C. Disclosure to the State

If a conflict or the appearance of a conflict arises, or if Contractor is uncertain whether a conflict or the appearance of a conflict has arisen, Contractor shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Failure to promptly submit a disclosure statement or to follow the State's direction in regard to the actual or apparent conflict constitutes a breach of this Contract.

- D. Contractor acknowledges that all State employees are subject to the ethical principles described in §24-18-105, C.R.S. Contractor further acknowledges that State employees may be subject to the requirements of §24-18-105, C.R.S. with regard to this Contract.

10. INSURANCE

Contractor shall obtain and maintain, and ensure that each Subcontractor shall obtain and maintain, insurance as specified in this section at all times during the term of this Contract. All insurance policies required by this Contract that are not provided through self-insurance shall be issued by insurance companies as approved by the State.

A. Contractor Insurance

The Contractor is a "public entity" within the meaning of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA") and shall maintain at all times during the term of this Contract such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA.

B. Subcontractor Requirements

Contractor shall ensure that each Subcontractor that is a public entity within the meaning of the GIA, maintains at all times during the terms of this Contract, such liability insurance, by commercial policy or self-insurance, as is necessary to meet the Subcontractor's obligations under the GIA. Contractor shall ensure that each Subcontractor that is not a public entity within the meaning of the GIA, maintains at all times during the terms of this Contract all of the following insurance policies:

i. Workers' Compensation

Workers' compensation insurance as required by state statute, and employers' liability insurance covering all Contractor or Subcontractor employees acting within the course and scope of their employment.

ii. General Liability

Commercial general liability insurance covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- a. \$1,000,000 each occurrence;
- b. \$1,000,000 general aggregate;
- c. \$1,000,000 products and completed operations aggregate; and
- d. \$50,000 any one fire.

iii. Automobile Liability

Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

iv. Protected Information

Liability insurance covering all loss of State Confidential Information, such as PII, PHI, PCI, Tax Information, and CJI, and claims based on alleged violations of privacy rights through improper use or disclosure of protected information with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$2,000,000 general aggregate.

v. Professional Liability Insurance

Professional liability insurance covering any damages caused by an error, omission or any negligent act with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$1,000,000 general aggregate.

vi. Crime Insurance

Crime insurance including employee dishonesty coverage with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$1,000,000 general aggregate.

C. Pollution Insurance

Pollution liability insurance covering Contractor's and/or Subcontractor's liability for bodily injury, property damage and environmental damage resulting from the Contractor's and/or Subcontractor's work, or arising out of the Goods delivered or Services (including transportation risk) performed under the contract. Such coverage should extend to the related cleanup costs incurred by Contractor. The minimum limits shall be as follows:

- i. \$1,000,000.00 each occurrence; and
- ii. \$1,000,000.00 general aggregate.

Such policy shall have a maximum deductible of \$25,000.00 to be paid by the Contractor and/or subcontractor.

D. Additional Insured

The State shall be named as additional insured on all commercial general liability policies (leases and construction contracts require additional insured coverage for completed operations) required of Contractor and Subcontractors.

E. Primacy of Coverage

Coverage required of Contractor and each Subcontractor shall be primary over any insurance or self-insurance program carried by Contractor or the State.

F. Cancellation

All commercial insurance policies shall include provisions preventing cancellation or non-renewal, except for cancellation based on non-payment of premiums, without at least 30 days prior notice to Contractor and Contractor shall forward such notice to the State in accordance with §14 within seven days of Contractor's receipt of such notice.

G. Subrogation Waiver

All commercial insurance policies secured or maintained by Contractor or its Subcontractors in relation to this Contract shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against Contractor or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

H. Certificates

For each commercial insurance plan provided by Contractor under this Contract, Contractor shall provide to the State certificates evidencing Contractor's insurance coverage required in this Contract within seven Business Days following the Effective Date. Contractor shall provide to the State certificates evidencing Subcontractor insurance coverage required under this Contract within seven Business Days following the Effective Date, except that, if Contractor's subcontract is not in effect as of the Effective Date, Contractor shall provide to the State certificates showing Subcontractor insurance coverage required under this Contract within seven Business Days following Contractor's execution of the subcontract. No later than 15 days before the expiration date of Contractor's or any Subcontractor's coverage, Contractor shall deliver to the State certificates of insurance evidencing renewals of coverage. At any other time during the term of this Contract, upon request by the State, Contractor shall, within seven Business Days following the request by the State, supply to the State evidence satisfactory to the State of compliance with the provisions of this §10.

11. BREACH OF CONTRACT

In the event of a Breach of Contract, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the Breach of Contract, at its sole expense, within 30 days after the delivery of written notice, the Party may exercise any of the remedies as described in §12 for that Party. Notwithstanding any provision of this Contract to the contrary, the State, in its discretion, need not provide notice or a cure period and may immediately terminate this Contract in whole or in part or institute any other remedy in this Contract in order to protect the public interest of the State; or if Contractor is debarred or suspended under §24-109-105, C.R.S., the State, in its discretion, need not provide notice or cure period and may terminate this Contract in whole or in part or institute any other remedy in this Contract as of the date that the debarment or suspension takes effect.

12. REMEDIES

A. State's Remedies

If Contractor is in breach under any provision of this Contract and fails to cure such breach, the State, following the notice and cure period set forth in §11, shall have all of the remedies listed in this section in addition to all other remedies set forth in this Contract or at law. The State may exercise any or all of the remedies available to it, in its discretion, concurrently or consecutively.

i. Termination for Breach

In the event of Contractor's uncured breach, the State may terminate this entire Contract or any part of this Contract. Contractor shall continue performance of this Contract to the extent not terminated, if any.

a. Obligations and Rights

To the extent specified in any termination notice, Contractor shall not incur further obligations or render further performance past the effective date of such notice, and shall terminate outstanding orders and subcontracts with third parties. However, Contractor shall complete and deliver to the State all Work not cancelled by the termination notice, and may incur obligations as necessary to do so within this Contract's terms. At the request of the State, Contractor shall assign to the State all of Contractor's rights, title, and interest in and to such terminated orders or subcontracts. Upon termination, Contractor shall take timely, reasonable and necessary action to protect and preserve property in the possession of Contractor but in which the State has an interest. At the State's request, Contractor shall return materials owned by the State in Contractor's possession at the time of any termination. Contractor shall deliver all completed Work Product and all Work Product that was in the process of completion to the State at the State's request.

b. Payments

Notwithstanding anything to the contrary, the State shall only pay Contractor for accepted Work received as of the date of termination. If, after termination by the State, the State agrees that Contractor was not in breach or that Contractor's action or inaction was excusable, such termination shall be treated as a termination in the public interest, and the rights and obligations of the Parties shall be as if this Contract had been terminated in the public interest under **§2.E**.

c. Damages and Withholding

Notwithstanding any other remedial action by the State, Contractor shall remain liable to the State for any damages sustained by the State in connection with any breach by Contractor, and the State may withhold payment to Contractor for the purpose of mitigating the State's damages until such time as the exact amount of damages due to the State from Contractor is determined. The State may withhold any amount that may be due Contractor as the State deems necessary to protect the State against loss including, without limitation, loss as a result of outstanding liens and excess costs incurred by the State in procuring from third parties replacement Work as cover.

ii. Remedies Not Involving Termination

The State, in its discretion, may exercise one or more of the following additional remedies:

a. Suspend Performance

Suspend Contractor's performance with respect to all or any portion of the Work pending corrective action as specified by the State without entitling Contractor to an adjustment in price or cost or an adjustment in the performance schedule. Contractor shall promptly cease performing Work and incurring costs in accordance with the State's directive, and the State shall not be liable for costs incurred by Contractor after the suspension of performance.

b. Withhold Payment

Withhold payment to Contractor until Contractor corrects its Work.

c. Deny Payment

Deny payment for Work not performed, or that due to Contractor's actions or inactions, cannot be performed or if they were performed are reasonably of no value to the state; provided, that any denial of payment shall be equal to the value of the obligations not performed.

d. Removal

Demand immediate removal of any of Contractor's employees, agents, or Subcontractors from the Work whom the State deems incompetent, careless, insubordinate, unsuitable, or otherwise unacceptable or whose continued relation to this Contract is deemed by the State to be contrary to the public interest or the State's best interest.

e. Intellectual Property

If any Work infringes, or if the State in its sole discretion determines that any Work is likely to infringe, a patent, copyright, trademark, trade secret or other intellectual property right, Contractor shall, as approved by the State (i) secure that right to use such Work for the State and Contractor; (ii) replace the Work with noninfringing Work or modify the Work so that it becomes noninfringing; or, (iii) remove any infringing Work and refund the amount paid for such Work to the State.

B. Contractor's Remedies

If the State is in breach of any provision of this Contract and does not cure such breach, Contractor, following the notice and cure period in §11 and the dispute resolution process in §13 shall have all remedies available at law and equity.

13. DISPUTE RESOLUTION

A. Initial Resolution

Except as herein specifically provided otherwise, disputes concerning the performance of this Contract which cannot be resolved by the designated Contract representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager designated by Contractor for resolution.

B. Resolution of Controversies

If the initial resolution described in §13.A fails to resolve the dispute within 10 Business Days, Contractor shall submit any alleged breach of this Contract by the State to the Procurement Official of the State Agency named on the Cover Page of this Contract as described in §24-102-202(3), C.R.S. for resolution in accordance with the provisions of §§24-106-109, and 24-109-101.1 through 24-109-505, C.R.S., (the "Resolution Statutes"), except that if Contractor wishes to challenge any decision rendered by the Procurement Official, Contractor's challenge shall be an appeal to the executive director of the Department of Personnel and Administration, or their delegate, under the Resolution Statutes before Contractor pursues any further action as permitted by such statutes. Except as otherwise

stated in this Section, all requirements of the Resolution Statutes shall apply including, without limitation, time limitations.

14. NOTICES AND REPRESENTATIVES

Each individual identified as a Principal Representative on the Cover Page for this Contract shall be the principal representative of the designating Party. All notices required or permitted to be given under this Contract shall be in writing, and shall be delivered (A) by hand with receipt required, (B) by certified or registered mail to such Party's principal representative at the address set forth below or (C) as an email with read receipt requested to the principal representative at the email address, if any, set forth on the Cover Page for this Contract. If a Party delivers a notice to another through email and the email is undeliverable, then, unless the Party has been provided with an alternate email contact, the Party delivering the notice shall deliver the notice by hand with receipt required or by certified or registered mail to such Party's principal representative at the address set forth on the Cover Page for this Contract. Either Party may change its principal representative or principal representative contact information, or may designate specific other individuals to receive certain types of notices in addition to or in lieu of a principal representative by notice submitted in accordance with this section without a formal amendment to this Contract.

15. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

A. Work Product

Contractor assigns to the State and its successors and assigns, the entire right, title, and interest in and to all causes of action, either in law or in equity, for past, present, or future infringement of intellectual property rights related to the Work Product and all works based on, derived from, or incorporating the Work Product. Whether or not Contractor is under contract with the State at the time, Contractor shall execute applications, assignments, and other documents, and shall render all other reasonable assistance requested by the State, to enable the State to secure patents, copyrights, licenses and other intellectual property rights related to the Work Product. To the extent that Work Product would fall under the definition of "works made for hire" under 17 U.S.C.S. §101, the Parties intend the Work Product to be a work made for hire.

i. Copyrights

To the extent that the Work Product (or any portion of the Work Product) would not be considered works made for hire under applicable law, Contractor hereby assigns to the State, the entire right, title, and interest in and to copyrights in all Work Product and all works based upon, derived from, or incorporating the Work Product; all copyright applications, registrations, extensions, or renewals relating to all Work Product and all works based upon, derived from, or incorporating the Work Product; and all moral rights or similar rights with respect to the Work Product throughout the world. To the extent that Contractor cannot make any of the assignments required by this section, Contractor hereby grants to the State a perpetual, irrevocable, royalty-free license to use, modify, copy, publish, display, perform, transfer, distribute, sell, and create derivative works of the Work Product and all works based upon, derived from, or incorporating the Work Product by all means and methods and in any format now known or invented in the future. The State may assign and license its rights under this license.

ii. Patents

In addition, Contractor grants to the State (and to recipients of Work Product distributed by or on behalf of the State) a perpetual, worldwide, no-charge, royalty-free, irrevocable patent license to make, have made, use, distribute, sell, offer for sale, import, transfer, and otherwise utilize, operate, modify and propagate the contents of the Work Product. Such license applies only to those patent claims licensable by Contractor that are necessarily infringed by the Work Product alone, or by the combination of the Work Product with anything else used by the State.

B. Exclusive Property of the State

Except to the extent specifically provided elsewhere in this Contract, any pre-existing State Records, State software, research, reports, studies, photographs, negatives or other documents, drawings, models, materials, data and information shall be the exclusive property of the State (collectively, "State Materials"). Contractor shall not use, willingly allow, cause or permit Work Product or State Materials to be used for any purpose other than the performance of Contractor's obligations in this Contract without the prior written consent of the State. Upon termination of this Contract for any reason, Contractor shall provide all Work Product and State Materials to the State in a form and manner as directed by the State.

C. Exclusive Property of Contractor

Contractor retains the exclusive rights, title, and ownership to any and all pre-existing materials owned or licensed to Contractor including, but not limited to, all pre-existing software, licensed products, associated source code, machine code, text images, audio and/or video, and third-party materials, delivered by Contractor under the Contract, whether incorporated in a Deliverable or necessary to use a Deliverable (collectively, "Contractor Property"). Contractor Property shall be licensed to the State as set forth in this Contract or a State approved license agreement: **(i)** entered into as exhibits to this Contract; **(ii)** obtained by the State from the applicable third-party vendor; or **(iii)** in the case of open source software, the license terms set forth in the applicable open source license agreement.

16. STATEWIDE CONTRACT MANAGEMENT SYSTEM

If the maximum amount payable to Contractor under this Contract is \$100,000 or greater, either on the Effective Date or at any time thereafter, this §16 shall apply. Contractor agrees to be governed by and comply with the provisions of §24-106-103, §24-102-206, §24-106-106, and §24-106-107, C.R.S. regarding the monitoring of vendor performance and the reporting of contract performance information in the State's contract management system ("Contract Management System" or "CMS"). Contractor's performance shall be subject to evaluation and review in accordance with the terms and conditions of this Contract, Colorado statutes governing CMS, and State Fiscal Rules and State Controller policies.

17. GENERAL PROVISIONS

A. Assignment

Contractor's rights and obligations under this Contract are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Contractor's rights and obligations approved by the State shall be subject to the provisions of this Contract.

B. Subcontracts

Contractor shall not enter into any subcontract in connection with its obligations under this Contract without the prior, written approval of the State. Contractor shall submit to the State a copy of each such subcontract upon request by the State. All subcontracts entered into by Contractor in connection with this Contract shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Contract.

C. Binding Effect

Except as otherwise provided in §17.A, all provisions of this Contract, including the benefits and burdens, shall extend to and be binding upon the Parties' respective successors and assigns.

D. Authority

Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party's obligations have been duly authorized.

E. Captions and References

The captions and headings in this Contract are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Contract to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

F. Counterparts

This Contract may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

G. Entire Understanding

This Contract represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.

H. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Contract by reference.

I. Modification

Except as otherwise provided in this Contract, any modification to this Contract shall only be effective if agreed to in a formal amendment to this Contract, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under this Contract, other than contract amendments, shall conform to the policies issued by the Colorado State Controller.

J. Statutes, Regulations, Fiscal Rules, and Other Authority.

Any reference in this Contract to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Effective Date of this Contract.

K. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under this Contract in accordance with the intent of this Contract.

L. Survival of Certain Contract Terms

Any provision of this Contract that imposes an obligation on a Party after termination or expiration of the Contract shall survive the termination or expiration of this Contract and shall be enforceable by the other Party.

M. Taxes

The State is exempt from federal excise taxes under I.R.C. Chapter 32 (26 U.S.C., Subtitle D, Ch. 32) (Federal Excise Tax Exemption Certificate of Registry No. 84-730123K) and from State and local government sales and use taxes under §§39-26-704(1), *et seq.*, C.R.S. (Colorado Sales Tax Exemption Identification Number 98-02565). The State shall not be liable for the payment of any excise, sales, or use taxes, regardless of whether any political subdivision of the state imposes such taxes on Contractor. Contractor shall be solely responsible for any exemptions from the collection of excise, sales or use taxes that Contractor may wish to have in place in connection with this Contract.

N. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described in **§17.A**, this Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Contract are incidental to this Contract, and do not create any rights for such third parties.

O. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Contract, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

P. CORA Disclosure

To the extent not prohibited by federal law, this Contract and the performance measures and standards required under §24-106-107, C.R.S., if any, are subject to public release through the CORA.

Q. Standard and Manner of Performance

Contractor shall perform its obligations under this Contract in accordance with the highest standards of care, skill and diligence in Contractor's industry, trade, or profession.

R. Licenses, Permits, and Other Authorizations.

Contractor shall secure, prior to the Effective Date, and maintain at all times during the term of this Contract, at its sole expense, all licenses, certifications, permits, and other authorizations required to perform its obligations under this Contract, and shall ensure that all employees, agents and Subcontractors secure and maintain at all times during the term of their employment, agency or subcontract, all license, certifications, permits and other authorizations required to perform their obligations in relation to this Contract.

S. RESERVED

T. Accessibility

- i. Contractor shall comply with and the Work Product provided under this Contract shall be in compliance with all applicable provisions of §§24-85-101, *et seq.*, C.R.S., and the *Accessibility Standards for Individuals with a Disability*, as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S. Contractor shall also comply with all State of Colorado technology standards related to technology accessibility and with Level AA of the most current version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards.
- ii. RESERVED
- iii. The State may require Contractor's compliance to the State's Accessibility Standards to be determined by a third party selected by the State to attest to Contractor's Work Product and software is in compliance with §§24-85-101, *et seq.*, C.R.S., and the *Accessibility Standards for Individuals with a Disability* as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S.

18. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3)

These Special Provisions apply to all contracts except where noted in italics.

A. STATUTORY APPROVAL. §24-30-202(1), C.R.S.

This Contract shall not be valid until it has been approved by the Colorado State Controller or designee. If this Contract is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), C.R.S.; then this Contract shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. FUND AVAILABILITY. §24-30-202(5.5), C.R.S.

Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. Financial obligations of Contractor, if any, payable after the current City Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. GOVERNMENTAL IMMUNITY.

Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, *et seq.* C.R.S. Liability for claims for injuries to persons or property arising from the negligence of Contractor, its employees, and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. No term or

condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. INDEPENDENT CONTRACTOR.

Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither Contractor nor any agent or employee of Contractor shall be deemed to be an agent or employee of the State. Contractor shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. Contractor and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Contractor or any of its agents or employees. Contractor shall (i) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (ii) provide proof thereof when requested by the State, and (iii) be solely responsible for its acts and those of its employees and agents.

E. COMPLIANCE WITH LAW.

Contractor shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. CHOICE OF LAW, JURISDICTION, AND VENUE.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Contract shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

G. PROHIBITED TERMS.

Any term included in this Contract that requires the State to indemnify or hold Contractor harmless; requires the State to agree to binding arbitration; or that conflicts with this provision in any way shall be void ab initio. Nothing in this Contract shall be construed as a waiver of any provision of §24-106-109 C.R.S.

H. SOFTWARE PIRACY PROHIBITION.

State or other public funds payable under this Contract shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies and warrants that, during the term of this Contract and any extensions, Contractor has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Contract, including, without limitation, immediate termination of this Contract and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. EMPLOYEE FINANCIAL INTEREST/CONFLICT OF INTEREST. §§24-18-201 and 24-50-507, C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Contract. Contractor

has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Contractor's services and Contractor shall not employ any person having such known interests.

EXHIBIT A – STATEMENT OF WORK

I. Project Description:

This Intergovernmental Agreement sets forth the intention of the parties to partner on the use of solid deicer materials to support the safety of the traveling public. The City of Lakewood will utilize CDOT's facility located at 12400 US 285, Morrison, front end loaders to load Lakewood's snowplows and dump trucks, and solid deicer materials annually from October 1st through April 30th. This Intergovernmental Agreement ("IGA") shall begin on the Effective Date and shall continue through the expiration date shown on the IGA's Cover Page.

II. City of Lakewood Responsibilities:

- a. Lakewood shall replenish the solid deicers (Ice Slicer RS) used to pre-storm stocked levels. Such deicer replenishing shall only be equal to the amount Lakewood depleted the pre-storm stocked levels. Usage tracking shall be "per front end loader bucket". Lakewood shall maintain records of material used for each winter weather event and shall report those records to the LTC Ops for proper tracking and replenishing requirements. Replenishment shall occur after every other winter weather event and within 10 (ten) business days following the last winter weather event. Lakewood employees shall be trained on the use of CDOT front end loaders and handling of the solid deicer materials prior to using the CDOT facility. During winter weather events, CDOT will allow Lakewood Maintenance Operators, which will be operating a Lakewood branded snow plow/dump truck, access to CDOT's solid deicer storage shed at its property located at 12400 US 285, Morrison, CO 80465. A map of the subject site is attached hereto as Exhibit A, Attachment 1. Lakewood operators entering CDOT property shall be easily identified by clearly visible employee ID's, Lakewood branded work uniforms, and Lakewood branded dump trucks and snowplows.
- b. City of Lakewood will be responsible for all liability for all damage to CDOT property caused by City of Lakewood Operators' activities, including the following:
 - Gate repair
 - Building repair
 - Containment repair
 - Fence repair
 - Light poles
 - Front end loaders
 - Other assets on CDOT property
 - CDOT Employee Vehicles
 - Environmental clean-up

Solid deicer products are stored in containment areas (solid deicer sheds). Lakewood shall load all materials containing any anti-icing/deicing properties or chlorides in such a manner as to protect the environment from liquids or salts leaching into the ground, waterways, or bodies of water. Lakewood shall ensure that spillage is kept to a minimum. Lakewood shall mitigate identified spills immediately. Mitigation can be

accomplished by utilizing the front-end loader to pick up spilled material and placing it back in the solid deicer shed.

- c. Lakewood shall report all property damages (containment's, front end loader, buildings, fences, etc.), spills, and employee injuries to the LTC Ops, or Supervisor on duty, immediately.
- d. Lakewood Operators will be trained by CDOT staff on CDOT's Front End Loader Safety Endorsement Program for proper operation of building overhead doors and front-end loaders utilized to load solid deicers prior to use. Front End Loader Training will consist of a 4-hour classroom-based training course and a Field-based performance assessment. Operators shall be required to attend and pass CDOT's Front End Loader Endorsement Training. If the assessment determines that the employee is not prepared to safely operate a front end loader, additional hands-on training and a reassessment with a CDOT Supervisor will be required.
- e. Lakewood shall only replenish used product with Ice Slicer RS.
- f. CDOT shall not incur liability for property access issues, equipment or mechanical failures, or deicer unavailability.
- g. CDOT has first right of access for use of solid deicers at any time.
- h. Lakewood will only be permitted access to enter the solid deicer storage building. Access will not be granted to the Maintenance VSF (Vehicle Storage Facility)

III. CDOT Responsibilities:

- a. CDOT will provide a liaison with Lakewood through Region 1 Section 5, 18500 East Colfax Avenue, Aurora, CO 80011-8017. Availability will be Monday-Friday 8:00am to 4:30pm, and 24/7 during winter weather events. Region 1 Section 5 Deputy Superintendent will also be responsible for coordinating the CDOT's activities under this Contract. All communications relating to the day-to-day activities for this IGA shall be exchanged between the parties' designated representatives identified on the cover page of the IGA.
- b. CDOT will provide Lakewood access to the solid deicer shed and front-end loader.
- c. CDOT will provide Lakewood reports of solid deicer replenishment requirements based off reporting from Lakewood operators' usage.
- d. CDOT will provide training to Lakewood Operators on front end loader operation and dump truck/snowplow loading through CDOT's Front End Loader Endorsement Training.

IV. No Financial Obligation

This Contract does not create any current specific payment or financial obligation for either party. Any future financial obligation of the parties shall be subject to the execution of an appropriate encumbrance document.

EXHIBIT A, Attachment 1

State of Colorado Department of Transportation
&
City of Lakewood



EXHIBIT B, SAMPLE OPTION LETTER

State Agency Insert Department's or IHE's Full Legal Name	Option Letter Number Insert the Option Number (e.g. "1" for the first option)
Contractor Insert Contractor's Full Legal Name	Original Contract Number Insert CMS number or Other Contract Number of the Original Contract
Current Contract Maximum Amount Initial Term State Fiscal Year 20xx \$0.00 Extension Terms State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 Total for All State Fiscal Years \$0.00	Option Contract Number Insert CMS number or Other Contract Number of this Option Contract Performance Beginning Date Month Day, Year Current Contract Expiration Date Month Day, Year

1. OPTIONS:

- A. Option to extend for an Extension Term
- B. Option to extend for an End of Term Extension

2. REQUIRED PROVISIONS:

- A. **For use with Option 1(A):** In accordance with Section(s) Number of the Original Contract referenced above, the State hereby exercises its option for an additional term, beginning Insert start date and ending on the current contract expiration date shown above, at the rates stated in the Original Contract, as amended.
- B. **For use with Option 1(B):** In accordance with Section(s) Number of the Original Contract referenced above, the State hereby exercises its option for an End of Term Extension, beginning Insert start date and ending on the current contract expiration date shown above, at the rates stated in the Original Contract, as amended.

3. OPTION EFFECTIVE DATE:

- A. The effective date of this Option Letter is upon approval of the State Controller or, whichever is later.

STATE OF COLORADO Jared S. Polis, Governor INSERT-Name of Agency or IHE INSERT-Name & Title of Head of Agency or IHE By: Name & Title of Person Signing for Agency or IHE Date: _____	In accordance with §24-30-202, C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate. STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Name of Agency or IHE Delegate-Please delete if contract will be routed to OSC for approval Option Effective Date: _____
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STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 12

To: Mayor and City Council
From: Amber Thill, Interim Director of Community Resources
Subject: **Jeffco Trail Grant for Improvements to Bear Creek Lake Park**

SUMMARY STATEMENT: The Department of Community Resources has the opportunity to apply for a Jefferson County Open Space Trails Partnership Program grant, with a maximum award of 50% of the total project request, to fund trail improvements at Bear Creek Lake Park aligning with the recommendations of the Bear Creek Lake Park Master Plan, scheduled for City Council review later this year.

BACKGROUND INFORMATION: Jefferson County Open Space (JCOS) will fund up to 50% of regional trail projects, such as those recommended at Bear Creek Lake Park, considered a regional destination. All partners that manage public land and/or provide public park and recreation services in Jefferson County are eligible to apply. Eligible projects include trail construction, trail maintenance, trailhead amenities including restrooms and greenway enhancements. The proposed project must be included in an approved plan, identified in the Jeffco Trails Plan, or improve safety, equitable access and connectivity in Jefferson County.

Bear Creek Lake Park is a 2,624-acre regional destination that serves more than a million visitors per year. Lakewood's proposed project includes replacing approximately 8,000 feet of the Bear Creek Trail, a crucial connecting segment of the C-470 bikeway. An identified priority in the Jeffco Trails plan, this improvement will address safety concerns and provide better access for users by remedying hazardous cracking and uneven surfaces. In 2023, the City of Lakewood completed the Bear Creek Trail and parallel trail improvement project in the Bear Creek Greenbelt, thanks to funding support from a 2020 Jeffco Trails Partnership grant. The proposed project completes the final segment of the Bear Creek Trail improvements recommended in Lakewood.

In addition, the project will include a partnership with the Colorado Mountain Bike Association (COMBA) to extend, repair and improve the North Park Trail, approximately 2,000 feet of trails at Bear Creek Lake Park. Working with the city, COMBA will make repairs and improvements to the existing North Park Trail and add two downhill spurs with different experiences and difficulty levels. The soft-surface trails will be approximately three feet wide to allow safe passing, and use rolling grades and grade reversals to improve sustainability and reduce maintenance requirements. This area of the park is a popular destination for mountain bikers because of its proximity to Morrison Road and connecting paths.

BUDGETARY IMPACTS: Budgetary impacts as a result of the grant award includes a 50% match requirement or \$562,060, from the City's Open Space fund. Total project cost is \$1,124,122.

STAFF RECOMMENDATIONS: Staff recommends approval of the resolution to allow the opportunity to secure additional funding for essential improvements to the popular Bear Creek Lake Park and enter into an intergovernmental agreement with Jefferson County Open Space.

ALTERNATIVES: The City Council may choose to reject the request and resolution, thus not proceeding with the grant application to Jefferson County Open Space.

PUBLIC OUTREACH: This item has been promoted through regular communication channels to be

considered by the Lakewood City Council.

Additionally, the grant criteria require public involvement to determine whether the project proposed is deemed a priority. An extensive public engagement effort was completed as a part of the Bear Creek Lake Park Master Plan in 2023 and 2024, including two public meetings, over 2,000 survey responses, three stakeholder meetings and pop-up events facilitating informal interviews with park users. The Master Plan includes a plan for trail improvements in the park and is currently scheduled to go before City Council for adoption in December. Defined opportunities are provided in the attached Jeffco Trails Partnership Application.

Lastly, the 2020 Jeffco Trails Plan public engagement effort identified a need for improvements to Bear Creek Trail to mitigate user conflicts.

NEXT STEPS: Community Resources staff will provide the resolution of City Council support to supplement the City's application for the Jeffco Trails Partnership Program grant. Grant awards are anticipated to be announced in early 2025. If awarded, the City will enter into an intergovernmental agreement (IGA) with Jefferson County Open Space to complete the project. The City has two years following a grant award to construct the improvements.

ATTACHMENTS:

1. Resolution 2024-57
2. Lakewood Grant Application Jeffco Trails

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

SUPPORTING A GRANT APPLICATION TO JEFFERSON COUNTY OPEN SPACE REQUESTING FUNDING TO CONSTRUCT TRAIL IMPROVEMENTS IN BEAR CREEK LAKE PARK AND AUTHORIZING THE DIRECTOR OF COMMUNITY RESOURCES TO EXECUTE THE GRANT AGREEMENT IF APPROVED

WHEREAS, the Bear Creek Lake Park Master Plan will recommend new trails and trail improvements within Bear Creek Lake Park ("Park") following significant community input over the last year;

WHEREAS, the City of Lakewood ("City") desires to replace concrete on the Bear Creek Trail, a critical segment of the C-470 Bikeway, to accommodate recent growth in visitation at Bear Creek Lake Park and improve visitor safety; construct new soft surface trails within the Park; and make improvements to existing trails to better accommodate all trail users ("Project");

WHEREAS, the City supports submittal of a grant application to Jefferson County Open Space seeking funding through the 2024 Trails Partnership Grant Program ("Program") in the amount of Five Hundred and Sixty-Two Thousand and Sixty Dollars (\$562,060) to fund the project;

WHEREAS, Jefferson County Open Space requires a Resolution from the governing body of the agency applying for the grant demonstrating support of the grant application and Project;

WHEREAS, the City will provide appropriate matching funds for a regional grant at an approximate cost of \$562,060;

WHEREAS, the City is the owner of real property where the Soda Lake trail work is located and will continue to be the land manager for at least 25 years;

WHEREAS, the City has approval from the Army Corps of Engineers for any soft-surface trail improvements on Army Corps of Engineers property; and

WHEREAS; the City Council hereby finds and determines the application for the Program grant is in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City Council strongly supports the grant application to Jefferson County Open Space ("Program grant") for replacement of concrete on the Bear Creek Trail, construction of new soft surface trails within the Park, and improvements to existing trails ("Project").

SECTION 2. If the Program grant is awarded, the City Council strongly supports the completion of the Project.

SECTION 3. If the Program grant is awarded, the City Council hereby authorizes the Director of Community Resources to execute a grant agreement with Jefferson County Open Space.

SECTION 4. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on October 14, 2024, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Online Form Submission #230491 for Trails Partnership Program Application 2025

noreply@civicplus.com <noreply@civicplus.com>

Thu 8/29/2024 11:14 AM

To:Molly Buzick Pontin <mbuzickpontin@lakewood.org>

EXTERNAL – USE CAUTION

Trails Partnership Program Application 2025

Disclaimer

Information submitted on this form will be sent via unsecured email. To protect sensitive information, do not enter the following items or similar information on this form: Social Security numbers, driver's license numbers, bank account information, routing numbers, credit card numbers, medical information, passport numbers, and passwords. Please review our privacy policy located at www.jeffco.us/privacy. By submitting this form, you acknowledge and accept the terms listed in the privacy policy.

Trails Partnership Program Application

The Jeffco Open Space (JCOS) Trails Partnership Program is a grant program that provides supplemental funding to assist partners in implementing their priority trail projects within Jefferson County. Grants are awarded on an annual basis and there is no guarantee of funds under this program in future years. One grant application per year may be submitted by each partner. JCOS will consider funding up to 25% for local projects and 50% for regional projects. Local projects are defined as projects occurring within a single jurisdiction while regional projects occur across multiple jurisdictions.

Project Name	Bear Creek Lake Park Trail Improvements
Partner Organization Name	City of Lakewood, CO - Bear Creek Lake Park
Address	480 S. Allison Parkway
Address Line 2	Field not completed.
City	Lakewood
State	CO
Zip Code	80226
Primary Contact Name	Jim Haselgren
Primary Contact Phone Number	720-963-5242
Primary Contact Email Address	jimhas@lakewood.org
Project Category	Regional Project

Project Scope: Describe the project, including expected trail length, surface type, community need, anticipated visitors, etc. Is this project in the Jeffco Trails Plan or other approved plans?	Bear Creek Lake Park (BCLP, ID 262 in the JCOS Proposed Trails and Projects) is a 2,624-acre regional destination which serves more than a million visitors per year. This project will improve safety, connectivity, and access for 2 areas: 1) Main Bear Creek Trail: Replace and repair 8,712LF of concrete trail across the park. This will improve safety and increase inclusivity for users of all ages and abilities by remedying hazardous cracking and uneven surfaces. This is one of the main trails through the park and a crucial connecting segment of the C-470 bikeway. 2) North Park Bike Trail: In partnership with the Colorado Mountain Bike Association (COMBA), extend, repair, and improve the North Park Trail, approximately 2,180LF. The soft-surface trails will be approximately 3' wide to allow safe passing, and use rolling grades or grade reversals to improve sustainability and lower maintenance requirements. COMBA will make repairs and improvements to the existing North Park Trail and add two downhill spurs with different experiences and difficulty levels. This area of the park is a popular destination for mountain bikers because of its proximity to Morrison Road and connecting paths. Hikers and other trail users tend to migrate to trails closer to the lakes and picnic areas.
Jeffco Trails Plan: How does this project achieve the goals of the Jeffco Trails Plan? Specifically describe how this project increases safety, equitable access, and/or connectivity.	Safety and equitable access – Repairs to the heavily utilized Bear Creek Trail will smooth cracked and uneven pavement, improving safety and accessibility for people of all ages and travel modalities. This is not only the main trail through the park, but also a critical connecting segment of the C-470 Bikeway, and benefits regional connectivity in addition to the benefit to those visiting specifically to enjoy the park amenities. The North Park Bike Trail improvements will also address safety and accessibility concerns. The existing trail is too steep and unsustainable in the present condition in addition to being rutted due to erosion. This project will improve the drainage and safety of the upper section of the trail and bypass, reducing shortcutting and creating a more sustainable and quality user experience. Connectivity – Existing park trails already connect to numerous local and regional paths that reach Golden, Arvada, Littleton, and Denver. Much-needed repairs will improve this central hub of connections within the park and simultaneously improve part of the C-470 bikeway for those connecting throughout the system.
Project Location: Describe the location of this project and attach any relevant	The project will take place wholly within BCLP. Specifically, work will take place on the main trail which traverses the central part of the park from west to east, and the north side of the park at the existing North Park Trail.

maps and site photos to this application.

Project Location Map(s)	City of Lakewood_2024 BCLP Concrete Trail Replacement Map.pdf
Project Image(s)	<i>Field not completed.</i>
Project Location Map(s)	City of Lakewood_North Bike Trail Maps.pdf
Project Image(s)	<i>Field not completed.</i>
Project Location Map(s)	<i>Field not completed.</i>
Project Image(s)	<i>Field not completed.</i>
Ownership: Please describe the entity/entities that own, lease, and/or manage the area where the project will occur.	The City of Lakewood has managed Bear Creek Lake Park pursuant to a lease with the U.S. Army Corps of Engineers since 1982. The City of Lakewood owns a portion of Bear Creek Lake Park, with the remainder owned by the U. S. Army Corps of Engineers as detailed on the attached Management Boundary Map.
Management Boundary Map(s)	City of Lakewood_BCLP Property Lease Map.pdf
Management Boundary Map(s)	<i>Field not completed.</i>
Management Boundary Map(s)	<i>Field not completed.</i>
Is any of the project area on leased property?	Yes
If leased, please provide a copy of the Lease	City of Lakewood_BCLP Lease Agreement.pdf
Is the proposed project permitted under the terms of the lease?	Yes
If no, how will you obtain approval for the project under the terms of the lease?	N/A
If you are applying in partnership with another entity, attach any MOUs or letters of support describing the partnership agreement and commitment of funding if applicable.	See attached Letter of Support and Scope of Work from COMBA.

Support Documentation	City of Lakewood_COMBA UPDATED LOS and Scope.pdf
Support Documentation	<i>Field not completed.</i>
Support Documentation	<i>Field not completed.</i>
Permits: Will this project require permits? Describe what permits are needed and the timeline for obtaining them.	Permits for erosion control and work in the public right-of-way will be required from the contractor. Since this is a fully internal City process, the timeline is expected to be only a few weeks.
Natural Resources: Describe the impact of this project to natural and cultural resources and attach any natural resource surveys or inventories you have completed. Please specifically address integrated weed management, re-vegetation plans, and threatened/species of concern located within site.	Most of this project is replacing existing damaged concrete on the Bear Creek Trail/C-470 bike path. This will limit the environmental impact for the overall project as we will not need to break ground in existing open space. We will provide native seed mix for the contractor use to re-vegetate any disturbed areas. We will also be following our Noxious Weed Management Plan (attached), mitigating any noxious weeds as crews encounter them. Also included is the most recent inventory of noxious weeds in our Open Space properties. The North Park Bike Trail includes new trails. The site has been surveyed and assessed to determine where the best possible trail layouts can occur with minimal disturbance to natural resources. Restoration details are included in the COMBA scope of work attached to this application. With the routes we have chosen and the actual terrain (an old, mined area) there should be very limited impact on natural resources. At this time there are no known impacts or concerns to any threatened species at either project site. Wildlife, wetlands, and vegetation maps are included with this proposal. The trail improvements offer a unique opportunity for users to experience Colorado's wildlife, learn about native species and habitats and understand the importance of environmental stewardship. Also, by reducing "social trails," this planning effort will help to protect natural resources, preventing costlier and extensive restoration efforts after damage is done.
Natural Resource Information	City of Lakewood_Combined Noxious Weed Plan 2024.pdf
Natural Resource Information	City of Lakewood_2022_USACE Environmental Mapping Data and Inventory.pdf
Natural Resource Information	City of Lakewood_Vegetation-Wildlife-Wetlands Maps.pdf
Management: Describe how the proposed project will be managed and maintained over time.	The City of Lakewood Parks Division follows an Open Space Trail Maintenance and Operations Plan that is reviewed yearly, delineating specific procedures for trail management based on trail type, trail conflict management, trail user education, repairs, and more.

Currently, BCLP has a natural resources team that regularly performs trail maintenance, reports any issues, and oversees trail functionality. The City regularly budgets for this important job function, and the Community Resources Department assumes full responsibility for ongoing trail maintenance and oversight as a key departmental function. Additionally, volunteers regularly provide trail maintenance and user education, saving public funds and promoting community engagement with natural resources.

Public Engagement:
Describe the public engagement process that took place or will take place for this project.

The City of Lakewood Department of Community Resources conducts public input processes for all park and facility development projects, and community support to maintain and enhance the trail system is significant.

The Community Resources Master Plan was formulated via nine public meetings where the subject of trail use, connectivity and experiences was discussed. In addition, two recent public processes have specifically informed the prioritization of this project:

1) The 2016 Trail Connectivity Inventory and Assessment, which included:

- Two public meetings focused on identifying potential improvements and new trail connections.
- A smart phone comment tool which allowed users to post comments while on the trails. These comments were then captured on an online map.
- A statistically valid survey taken by over 2,200 residents. The complete report is available at <http://www.lakewood.org/files/assets/public/v/1/community-resources/projects/trail-inventory-and-connectivity-assessment-report.pdf>

2) Development of an updated BCLP Master Plan, which has been in process since August 2023 and has included:

- Two surveys with over 2,000 respondents, asking a series of questions to help the project team understand what users enjoy about the park, what they think could be improved in the future, and priorities for improvements.
- Two public open houses attended by over 150 park users to weigh in on the project and proposed improvements, including the overall trail improvement plan.
- Continued open engagement and information exchange via www.Lakewoodtogether.org/BearCreekPlan, where the project page has had over 7,000 visitors.

Timeline: Describe the timeline to complete this project (design, planning, construction).*

This project is shovel-ready. The procurement process can begin with the initial award announcement so that work can begin as soon as funding is released. The goal is to have all elements completed by July 2025.

Grant Amount Request	562061
JCOS Percentage Match	50
Applicant Match	562061
Applicant Percentage Match	50
Total Project Cost	1124122
Complete Required Budget Spreadsheet	City of Lakewood_Trails Partnership Program Budget 2025.xlsx
Do you have documentation of support from your governing board?	Yes
If yes, upload here	City of Lakewood_Resolution-XX 2024 Jeffco Trails Grant final.pdf

Submittal Process

All 2025 Trails Partnership Program applications must be received electronically by Jeffco Open Space by September 1, 2024 at 11:59 p.m. If applications are not received by the deadline, the applicant will need to reapply during the next grant application period.

General Requirements

All funds are subject to the applicable terms of Administrative Policy Part 6, Chapter 4, Section 2 concerning Open Space Program Terms, Priorities, Use of Funds and Transfers of Property, including, without limitation the following provision: Jefferson County Open Space outlines specific requirements for recognizing any land acquisition or amenity that has benefitted from Jefferson County Open Space Funding. If awarded the grant, you must follow the Jefferson County Open Space Funding Recognition Guide to appropriately acknowledge a contribution from the Trails Partnership Program.

Submittal Requirements	Did you discuss the project with the Trails Program Manager prior to submitting this application? , Application, Map(s) delineating location of the project and management boundaries, Budget spreadsheet, Resolution or motion from governing board supporting the project
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Electronic Signature Agreement	I agree.
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Electronic Signature	Molly J. Buzick Pontin
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STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 13

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **ADA Compliant Curb at W Jewell Ave. and Hoyt St.**

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire interests in property to construct an ADA Compliant curb ramp at the northeast corner of Jewell Avenue and Hoyt Street as part of the Jewell Avenue Sidewalk Project at Kendrick Lake Park.

BACKGROUND INFORMATION: This sidewalk will enhance pedestrian safety along the north side of Jewell Avenue along the frontage with Kendrick Lake Park. The sidewalk will be detached from Jewell Avenue and will be 8 feet wide. A permanent and temporary easement is necessary to construct an ADA compliant curb ramp at the eastern end of the project (at the northeast corner of Jewell Ave and Hoyt St). This new curb ramp will improve the continuity of the sidewalk on the north side of Jewell Avenue.

This ordinance declares the city's intent to acquire property interests necessary for the construction of an ADA compliant curb ramp at the eastern limit of the project and initiates the negotiation process between the City and the property owners for necessary property rights. It also authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur prior to additional City Council approval by resolution.

A map is attached that conceptually illustrates the property rights that are anticipated to be needed. It is anticipated that one temporary easement for the construction period, illustrated in yellow on the map, will be required. The temporary easement is required to perform minor re-grading and landscape restoration to blend the area behind the new sidewalk and curb ramp into the surrounding site features and yard. One permanent easement is required for this project, where the public improvements need to be constructed on private property.

BUDGETARY IMPACTS: Design and Construction of the Jewell Ave Sidewalk Project at Kendrick Lake Project is funded by the TABOR Fund. Adequate funds for this project are approved in the 2024 budget.

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the City will not replace the existing curb ramp. The sidewalk project will be able to proceed, but the transition to the existing sidewalk east of Hoyt will remain substandard.

PUBLIC OUTREACH: City staff has contacted the affected property owners seeking to discuss the project. Notification of City Council's consideration of this ordinance has been mailed to the property owner. The notification includes clear language that there could be no discussion of land value at the City Council hearing about this ordinance because this is the very start of the acquisition process and no land values have yet been determined.

This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is approved, Staff will begin the acquisition process and complete preparation of construction documents for the ADA compliant curb ramp.

ATTACHMENTS: 1. Ordinance O-2024-26
 2. Easement Map

REVIEWED BY: Kathleen E. Hodgson, City Manager
 Benjamin B. Goldstein, Deputy City Manager
 Alison McKenney Brown, City Attorney

O-2024-26
AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS AT THE NORTHEAST CORNER OF WEST JEWELL AVENUE AND HOYT STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance pedestrian safety and accessibility at the northeast corner of West Jewell Avenue and Hoyt Street, the City of Lakewood (the "City") desires to construct an ADA Compliant curb ramp (the "Improvements") as part of the Jewell Avenue Sidewalk Project at Kendrick Lake Park (the "Project");

WHEREAS, in order to install the Improvements, the City must acquire certain property interests from the owners of property adjacent to the Project (the "Property Interests");

WHEREAS, in order to acquire the Property Interests in compliance with State law, the City Council desires to:

- a. Declare the City's intent to acquire the Property Interests for public purposes in fulfillment of the requirements of Section 38-1-121, C.R.S.;
- b. Authorize negotiations for, and acquisitions of, the Property Interests;
- c. Accept the instruments of conveyance for the Property Interests; and
- d. Authorize the City Attorney to initiate condemnation proceedings (subject to further Council approval) to acquire the Property Interests in the event the City is unable to acquire the Property Interests despite good faith efforts to do so;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal identified herein; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. The Jewell Avenue Sidewalk Project at Kendrick Lake Park (the "Project") will serve a public purpose by enhancing the pedestrian safety and accessibility

along West Jewell Avenue, and it is necessary to acquire certain Property Interests from adjacent property owners, further described in Section 2 herein, to advance such public purpose.

SECTION 2. It is the intent of the City of Lakewood to acquire the Property Interests in the form of (i) permanent easements; (ii) temporary construction easements; or (iii) any other interests as may be warranted for the Project, with any improvements contained herein. The properties from which the Property Interests are currently anticipated to be acquired are identified in Exhibit A, attached hereto and incorporated herein by this reference. At such time as the City Manager or designee (the "City Manager") confirms that any or all of those parcels identified on Exhibit A are necessary for the Project, the City Manager shall give notice of intent to acquire such Property Interests in conformance with Section 38-1-121, C.R.S.

SECTION 3. The City Manager is hereby authorized to negotiate in good faith to acquire the Property Interests. Negotiations shall be based upon appraisal reports acquired in conformance with Section 38-1-121, C.R.S. or valuations approved by the City Manager. The City Manager is hereby authorized to make offers to any property owner based upon such appraisal reports or valuations to execute agreements for the acquisition of the Property Interests.

SECTION 4. The City Council hereby accepts on behalf of the City, upon recordation, the instruments of conveyance of the Property Interests acquired pursuant to Section 3 above.

SECTION 5. The City's Chief Financial Officer is hereby authorized and directed to pay, upon receipt of appropriate documentation, the amounts set forth in the contracts and agreements provided for herein.

SECTION 6. In the event the City Manager is unable to negotiate an agreement for the acquisition of any necessary Property Interest, despite good faith efforts to do so, the City Manager shall bring to the City Council a resolution identifying the Property Interests to be acquired by condemnation, and the City Council shall thereby authorize or deny the exercise of the City's eminent domain power over such Property Interests pursuant to Section 14.4 of the City of Lakewood home rule charter.

SECTION 7. All interested parties are hereby advised that, in the event the City Council approves the exercise of the City's eminent domain power over one or more Property Interests identified in such resolution, the City Attorney, on behalf of the City, shall commence condemnation proceedings with respect to such Property Interests and shall be authorized to apply to the proper court of immediate possession of the Property Interests to be acquired by condemnation, and the City's Chief Financial Officer and all other officers and agents of the City shall cooperate with the City Attorney in the condemnation action, make any deposits and payments as may be necessary for acquisition of the Property Interests, and pay the costs thereof and any condemnation award as it may be finally determined. The City Attorney shall additionally be authorized to employ such expert witnesses, including appraisers, as the City Attorney determines

necessary for the purposes of the condemnation authorized by this Ordinance and the aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.

SECTION 8. Nothing herein is intended to authorize the expenditure of monies in excess of the funds appropriated for the Project.

SECTION 9. 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 such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 10. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 23rd day of September, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 26th day of September, 2024; set for public hearing to be held on the 14th day of October, 2024; read, finally passed and adopted by the City Council on the 14th day of October, 2024; and signed by the Mayor on the _____ day of October, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

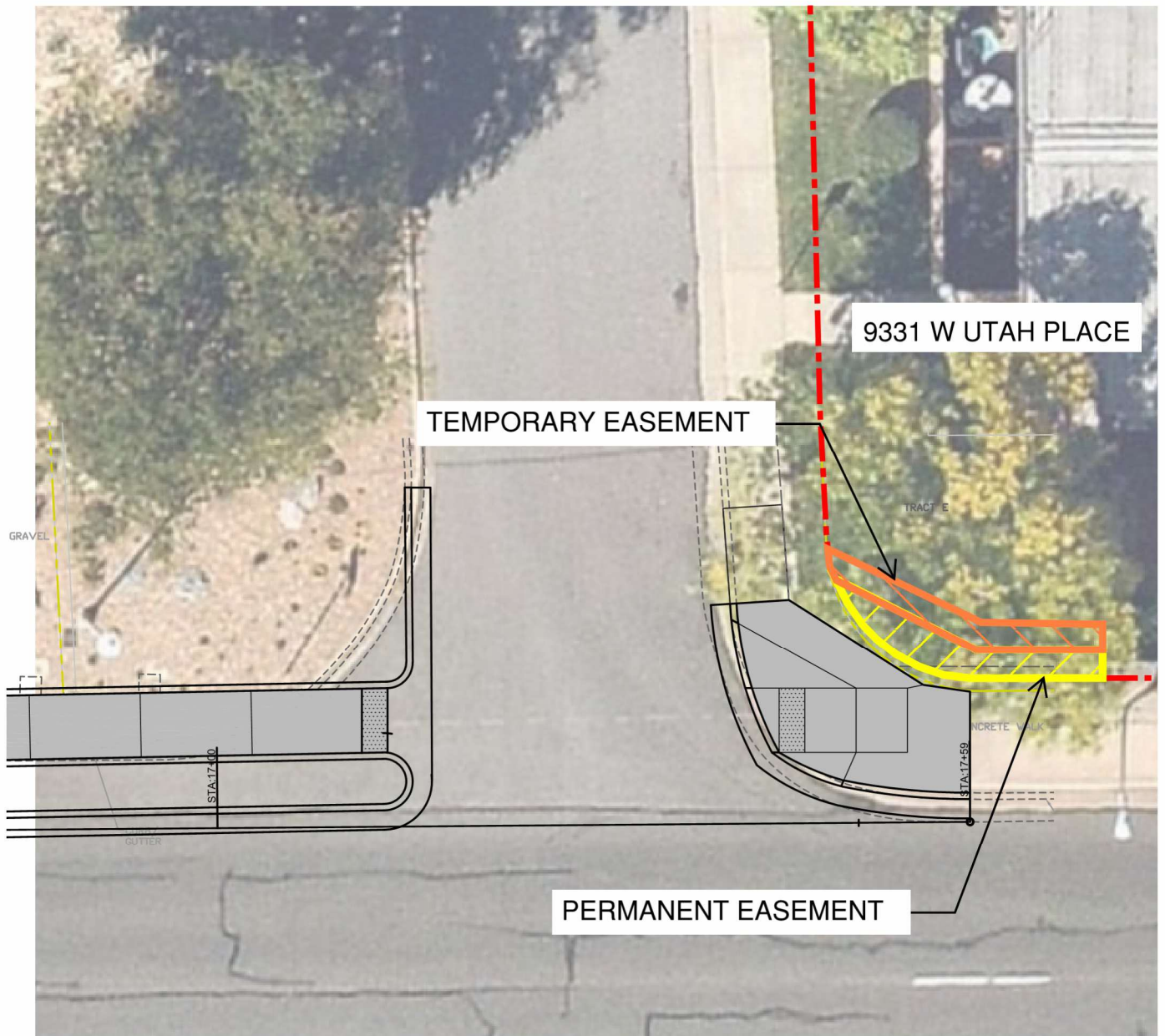
APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

Property Interests for the following addresses:

49-223-15-001
9331 W UTAH PLACE
LAKEWOOD, CO 80232



Lakewood
Public Works

470 South Allison Pkwy
Civic Center North
Lakewood, Co 80226
Phone: 303-987-7500

Jewell Ave Sidewalk Project Easement Map

Designer: Kevin Salgado Martinez

Detailer: Ray Hill

STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. 14

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

City Council Request for Legislative Modifications



Submitted on	9 September 2024, 10:57PM
Receipt number	66
Related form version	8

Council member sponsor(s)	Paula Nystrom, Jacob LaBure
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Enter email address to receive a copy of this submission	pnystrom@lakewood.org
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Briefly describe the minor modification being requested	This is a request for the City Manager or her designee, to provide Quarterly updates to Council on Sustainability/Climate Change Mitigation initiatives and progress on target goals for these efforts. This is in direct correlation to the objectives established during the 2024 Planning Session as well as the effort to provide more transparency, information and education to the citizens of Lakewood.
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Provide history / background information that supports the request	This was discussed and agreed to with the City Manager and the Mayor. It is of critical importance to bring these efforts to the forefront of current and future planning and budgeting for the City of Lakewood. Climate change is an existential threat to our survival as a species, and we need to build on, enhance and establish new initiatives and goals in order to mitigate the continued degradation of our air quality and increase temperature year over year.
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If it needs expedited handling, please provide an explanation why	This request should be expedited in order to provide staff ample time to calendar these updates and prepare to proceed with the updates as soon as possible.
---	--

Attach file if needed

City Council Request for Legislative Modifications



Submitted on	10 September 2024, 10:39AM
Receipt number	67
Related form version	8

Council member sponsor(s)	Paula Nystrom, Jacob LaBure
---------------------------	-----------------------------

Enter email address to receive a copy of this submission	pnystrom@lakewood.org
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Briefly describe the minor modification being requested	This is a request for the City Manager or her designee to schedule a workshop to establish definitive goals for sustainability and climate change mitigation in the city. The goals should be based on science based targets to reinforce current efforts and drive new initiatives. The "SMART" goals (Specific, Measurable, Achievable, Relevant, and Time-Bound) will ensure we are tracking and reporting on progress made and/or where course corrections are needed. This will enable transparent and informative communication with citizens, as well as data for Council to utilize in decision making and budgeting.
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Provide history / background information that supports the request

If it needs expedited handling, please provide an explanation why	Please expedite this to coincide with the November 4th sustainability updates, as well as to inform the upcoming quarterly updates.
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Attach file if needed

City Council Request for Legislative Modifications



Submitted on	13 September 2024, 9:26AM
Receipt number	68
Related form version	8

Council member sponsor(s)	Isabel Cruz, Sophia Mayott-Guerrero
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Enter email address to receive a copy of this submission	icruz@lakewood.org
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Briefly describe the minor modification being requested	Update the Lakewood Water and Sewer Regulations to allow for in-line grease traps where appropriate according to modern engineering standards and technology.
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Provide history / background information that supports the request	Grease interceptors are a critical component of protecting our sanitation systems and infrastructure. However, since the city's regulations have not been substantially updated since 2000, policies around waste management for businesses like coffee and grab-and-go sandwich shops have not kept up with the latest standards and technology. This has directly resulted in uniquely burdensome start-up costs for small businesses trying to open in Lakewood, and even the abandonment of business ventures in projects intended to be mixed-use where retail fronts remain vacant to this day. In alignment with our strategic plan priority to remove barriers for small business and considering mixed-use in our housing development, we are requesting a narrow update to regulations to align our written policy on grease interceptors with modern standards on in-line traps. While more comprehensive updates to these regulations are pending, this specific item needs to be prioritized to better balance protecting our sanitation infrastructure with residents' desire for food and beverage amenities and more mixed-use incorporated in development, as well as making Lakewood a better place for small businesses to thrive. Updating the regulations will better reflect our written policies with the current practices of Public Works to work with businesses, when appropriate, to install in-line traps and reduce barriers to opening coffee, snack, and grab-and-go shops in the city. Without this update, we risk missing out on the benefits of mixed-use projects in the pipeline and shutting out entrepreneurs from opening highly-desired amenities in our communities, especially in Ward 2 and around Colfax where ongoing economic revitalization is vital.
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If it needs expedited handling, please provide an explanation why	
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Attach file if needed	
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City Council Request for Legislative Modifications



Submitted on	16 September 2024, 9:04PM
Receipt number	69
Related form version	8

Council member sponsor(s)	Paula Nystrom, Rich Olver
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Enter email address to receive a copy of this submission	pnystrom@lakewood.org
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Briefly describe the minor modification being requested	This is a request for the LAC to evaluate creating hiker only trails or a viable option at William F. Hayden Park on Green Mountain.
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Provide history / background information that supports the request	Due to the location of William F. Hayden park in Lakewood, it is very popular with many citizens including hikers with and without dogs and mountain bikers. This inherently causes conflict and can be a frustrating experience for hikers, especially those with dogs. In order to not diminish the experience for anyone. It would be helpful to have designated hiker only trails, or alternating days for bikers and hikers. Benchmarking with Jeffco open space Centennial Cone Park as well as other parks would be a good reference. The LAC may also find other helpful options to ensure an enjoyable experience for all park users.
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If it needs expedited handling, please provide an explanation why	
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Attach file if needed	
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STAFF MEMO

DATE OF MEETING: OCTOBER 14, 2024 / AGENDA ITEM NO. E.

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Council Request for Legislative Modifications-70

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

City Council Request for Legislative Modifications



Submitted on	17 September 2024, 12:49PM
Receipt number	70
Related form version	8

Council member sponsor(s)	Paula Nystrom, Jacob LaBure
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Enter email address to receive a copy of this submission	pnystrom@lakewood.org
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Briefly describe the minor modification being requested	This is a request to remove the line item of gas appliance from Chapter 8.12.020 - Wood Burning. The efforts to reduce Green House Gas Emissions in Lakewood is a multi pronged effort. Increasing efficiencies in homes, businesses, transportation is imperative. Installing gas fireplaces is counterproductive, and will introduce new sources of GHGs.
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Provide history / background information that supports the request	8.12.020 - Installation. On or after January 1, 1993, any new or remodeled fireplace to be installed shall be one of the following: A gas appliance
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If it needs expedited handling, please provide an explanation why

Attach file if needed