



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	June 7, 2022

ITEM

Amplified Noise Permit – City of Salida Movie Nights – Public Hearing

BACKGROUND

Per City Council direction, certain amplified Noise Permits are subject to public hearings as they relate to dates, hours of operation, and decibel levels. The City has received an application from the City's Arts and Culture Department to host an amplified sound event at Marvin Park, 900 West 1st Street, on June 12, July 10, and August 14, 2022, from 9:00 p.m. to 11:00 p.m. Amplified Noise Permits are allowed to be approved administratively by the City Administrator until 10:00 p.m.; as the proposed ending time is outside of that window, a public hearing shall be held to receive feedback from the public.

Public notice was posted on the property, on the City's website, and at the public notice posting area at the Toubert Building (see attached). The permit application is also attached for review.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff recommends approval of the amplified Noise Permit for the City of Salida Arts and Culture Department's Movie Nights in Marvin Park on June 12, July 10, and August 14, 2022, from 9:00 p.m. to 11:00 p.m.

SUGGESTED MOTION

Following a public hearing, a City Councilmember should state, "I move to approve an amplified Noise Permit for the City of Salida Arts and Culture Department's Movie Nights at Marvin Park on June 12, July 10, and August 14, 2022, from 9:00 p.m. to 11:00 p.m.", followed by a second and a roll call vote.



CITY OF SALIDA

OVERVIEW OF LOCAL NOISE REGULATIONS & PERMITTING

Chapter 10, Article IX of the Salida Municipal Code (the "Code") establishes regulations and standards for noise within the City of Salida (the "City") to reduce and eliminate unnecessary and excessive noise which would otherwise be detrimental to residents and the community in the enjoyment of life, property, and the conduct of business. Of note, Section 10-9-30(c) of the Code provides that it is "unlawful for any person to emit or cause to be emitted any noise which leaves the premises on which it originates, inclusive of a public premises, crosses a property line and enters onto any other premises in excess" of the specified levels.

Pursuant to Sections 10-9-40(14) and 10-9-80 of the Code, however, the City may specifically exempt a particular noise from this prohibition through the issuance of a noise permit. Such a permit may include limitations and conditions to minimize the adverse impacts of the proposed noise may have on the community or surrounding neighborhood. Such limitations and conditions include, but are not limited to, the following: the hours of operation, maximum decibels, the type of sound amplification equipment, and the type of sound that may be amplified. No permit shall be issued for noise after 10:00 PM, with allowances to go until midnight on the Fridays and Saturdays of Memorial Day weekend, 4th of July weekend, and Labor Day weekend, and on the Thursday, Friday, and Saturday during the FIBArk Festival.

The issuance of a noise permit is at the sole discretion of the City Administrator or City Council, and the issuance of such permit does not confer any rights upon the permittee other than those expressly authorized by the permit. Violation of any of the conditions or limitations set forth in the noise permit may result in immediate revocation of the permit. Revocation of the noise permit does not preclude the City from seeking any remedies otherwise available under federal, state, or local law.

Applications for a noise permit must be submitted on the attached "Application for a Noise Permit" form and submitted at least five (5) working days prior to the date for which the permit is sought.



CITY OF SALIDA

NOISE PERMIT APPLICATION

Please fill out the form completely, including by signing and dating the application. Submitting an incomplete application is a basis for denial of a noise permit. Listing a particular type of audio amplification equipment, hours of operation, or any other information below does not guarantee the applicant's right to use such equipment or have an event at a particular time. Whether such application requests have been granted will be indicated in the issued permit.

Applicants may apply for events which are recurring (i.e., live music every Thursday). Any such events should be clearly described as recurring in the event description and should identify all dates on which the event will occur.

Completed applications can be submitted in-person to the City Clerk at 448 E. First Street, Suite 112, or via email to clerk@cityofsalida.com. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

I. Applicant Information.

Applicant Name: Patrick O'Brien

Applicant Business/Organization: City of Salida Arts & Culture Department

Applicant Phone: 719.530.0933

Applicant Email: patrick@salidasteamplant.com

Applicant Address: 220 W. Sackett Ave.
Salida, CO 81201

Sound Supervisor¹: Space Farmer Productions

Sound Supervisor Phone: 720.317.7498

II. Event Information.

Description of Event: City of Salida Arts & Culture and Parks & Recreation departments brings back free movie screenings in the outfield of softball field at Marvin Park. Three total screenings of family-friendly films projected onto a self-contained, inflatable screen and sound system. Promoted through Arts & Culture website and social media platforms.

Estimated Attendance: 100

Date(s): 06/12/2022, 07/10/2022, 08/14/2022

Hours of Event: 3pm-11pm (includes set-up, sound check, pre-film activity and film presentation from approx. 9pm-11pm)

Location of Event: Marvin Park

¹ The sound supervisor will be responsible for responding to and immediately addressing noise or other complaints in the absence of the applicant/permittee.



III. Noise Information.

Type of Noise (e.g., live music, parade):

Outdoor Movie Screening, Public Announcements

Type of Sound Amplification Equipment:

- Christie DI@WU-H 12,000 lumen 1080 projector

- Audio mixer, video switcher, video monitors, Blu-ray player, mics

IV. Agreement.

As the applicant for this noise permit, I, Patrick O'Brien, hereby agree and understand that it is my responsibility to ensure compliance with the conditions and limitations set forth in the permit and all laws, rules, and regulations of the City of Salida, the state, and the federal government. I further agree and understand that any violations of the permit or applicable laws may result in the immediate revocation of the permit. Violations of the conditions and limitations set forth in the permit or applicable laws shall also be grounds for denial of future permit applications. I further understand and agree that the permit and application fee are non-refundable and non-transferrable.

Signature:

Patrick O'Brien

Date:

5.9.22

For use by the City Clerk only:

Application fee received: [] Yes [] No ☒ N/A

Signature:

[Signature]

Date:

05/10/22



**CITY OF SALIDA
NOISE PERMIT**

Signature by the City Administrator on this noise permit indicates that the noise permit has been deemed granted to the applicant and the requested noise has been so authorized, subject to the conditions and limitations set forth below. Where the conditions or limitations set forth below contradict or conflict with the information contained in the application, the conditions and limitations will control.

I. Conditions and Limitations Applicable to All Permits.

The following conditions and limitations are applicable to all noise permits:

- No noise is permitted after 10:00 PM, unless specifically authorized by the City Council following a public hearing. No noise is permitted after midnight on the Fridays and Saturdays of Memorial Day weekend, 4th of July weekend, and Labor Day weekend. No noise is permitted after midnight on the Thursday, Friday, and Saturday during the FIBArk festival.
- No noise is authorized in excess of the maximum limit of 85 dB(A), as measured from any point along the property line or within the property line of the receiving premises. Measuring devices shall be those specifically utilized by the City of Salida.
- All amplification equipment shall be arranged so as to minimize the disturbance to neighboring properties, and permittees shall take reasonable measures to baffle or reduce noise impacts to neighbors.
- No outdoor amplified sound shall be permitted between November 1 through May 1.
- A maximum of sixty (60) amplified sound permits may be granted to same location during a single calendar year, unless additional permits are specifically authorized by the City Council following a public hearing.

II. Conditions and Limitations Applicable to this Permit.

The following conditions and limitations are applicable to this noise permit:

- _____
- _____
- _____

III. Expiration.

This noise permit is issued for the following dates and expires on the following date:

Date(s): _____

Expiration: _____

For use by the City Administrator only:

Application granted: [] Yes [] No

Signature: _____

Date: _____