

CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	November 1, 2022

ITEM

Amplified Noise Permit - Tres Litros Beer Company - 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 Tres Litros Beer Company, located at 118 North E Street, to host multiple live music events past the established administrative approval dates of October 31st; events are proposed on November 4th, 5th, 11th, 25th, and 29th. The venue was previously approved for 51 events throughout the regular event season. As the Council is aware, the City Administrator may review and approve permits until October 31; as the proposed events are after that date, 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 Touber Building (see attached). The permit applications are also attached for review.

FISCAL NOTE

None.

STAFF RECOMMENDATION

As of the preparation of this report, the City has received two (2) complaints regarding amplified sound events at Tres Litros; however, it should be noted that the complaints were due to indoor music that was broadcast through the neighborhood due to open doors during the summer months after 10:00 p.m. Staff has made the applicant aware of these issues, and they have indicated that doors and windows would be shut for any music occurring outside of the times noted on their permit. Staff recommends approval of the amplified Noise Permit for Tres Litros Beer Company for outdoor amplified sound events on November 4th, 5th, 11th, 25th, and 29th, with an added condition that indoor music shall not be broadcast outside of the venue through open doors or windows after the ending times noted in the attached application.

SUGGESTED MOTION

Following a public hearing, a City Councilmember should state, "I move to approve an amplified Noise Permit for Tres Litros Beer Company, located at 118 North E Street, for amplified sound events on November 4th, 5th, 11th, 25th, and 29th, with the condition that indoor music shall not be broadcast outside of the venue through open doors or windows after the ending times noted in the applications", followed by a second and a roll call vote.



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 should be submitted via email to deputyclerk@cityofsalida.com. If that is not possible, they can be submitted in-person to 448 E 1st Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

Applicant Name:	Jason Maxwell
Applicant Business/Organization:	Tres Litros Beer Company
Applicant Phone:	303-596-9138
Applicant Email:	jmaxwell@treslitrosbeer.co
Applicant Address:	118 N. E St Salida, CO 81201
Sound Supervisor ¹ :	Jason Maxwell
Sound Supervisor Phone:	303-596-9138
II. Event Information.	
Description of Event: Live Music	
Estimated Attendance:	65-75 Persons
Date(s):	11/4/22
Hours of Event:	7-10pm
Location of Event:	118 N. E St ~
	Salida, CO 81201

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



Type of Noise (e.g., live music, parade): Live Music		
Type of Sound Amplification Equipment: PA Sound System		
IV. Agreement.		
As the applicant for this noise permit, I, Jason Maxwell , 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 of 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: Date:		
For use by the City Clerk only:		
Application fee received: [] Yes [] No [] N/A		
Signature:		
Date:		



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.

The following conditions and limitations are a	pplicable to this noise permit:	
•	<u>.</u>	
•		
•		
III. Expiration.		
This noise permit is issued for the following d	lates and expires on the following date:	
Date(s):		
Expiration:		
For use by the City Administrator only:		
Application granted: [] Yes [] No		
Signature:	<u> </u>	
Date:	, "	
	7 "	



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 should be submitted via email to deputyclerk@cityofsalida.com. If that is not possible, they can be submitted in-person to 448 E 1st Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

	Applicant Name:	Jason Maxwell
	Applicant Business/Organization:	Tres Litros Beer Company
	Applicant Phone:	303-596-9138
	Applicant Email:	jmaxwell@treslitrosbeer.co
	Applicant Address:	118 N. E St
		Salida, CO 81201
	Sound Supervisor ¹ :	Jason Maxwell
	Sound Supervisor Phone:	303-596-9138
II. E	Event Information.	
	Description of Event: Live Music	
	Estimated Attendance:	65-75 Persons
	Date(s):	11/5/22
	-	7-10pm
	Hours of Event:	г-торш
	Location of Event:	118 N. E St
		Salida, CO 81201

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



Type of Noise (e.g., live music, parade): Live Music		
Type of Sound Amplification Equipment: PA Sound System		
IV. Agreement.		
As the applicant for this noise permit, I, Jason Maxwell , 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 of 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: Date:		
For use by the City Clerk only:		
Application fee received: [] Yes [] No [] N/A		
Signature:		
Date:		



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.

The following conditions and limitations are a	pplicable to this noise permit:	
•	<u>.</u>	
•		
•		
III. Expiration.		
This noise permit is issued for the following d	lates and expires on the following date:	
Date(s):		
Expiration:		
For use by the City Administrator only:		
Application granted: [] Yes [] No		
Signature:	<u> </u>	
Date:	, "	
	7 "	



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 should be submitted via email to deputyclerk@cityofsalida.com. If that is not possible, they can be submitted in-person to 448 E 1st Street Suite 112. 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: Jason Maxwell Applicant Business/Organization: Tres Litros Beer Company Applicant Phone: jmaxwell@treslitrosbeer.co Applicant Email: Applicant Address: 118 N. E St Salida, CO 81201 Sound Supervisor¹: Jason Maxwell Sound Supervisor Phone: 303-596-9138 II. Event Information. Description of Event: Live Music Estimated Attendance: 65-75 Persons 11/11/22 Date(s): Hours of Event: 7-10pm Location of Event: 118 N. E St Salida, CO 81201

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



Type of Noise (e.g., live music, parade): Live Music		
Type of Sound Amplification Equipment: PA Sound System		
IV. Agreement.		
As the applicant for this noise permit, I, Jason Maxwell , 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 of 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: Date:		
For use by the City Clerk only:		
Application fee received: [] Yes [] No [] N/A		
Signature:		
Date:		



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.

The following conditions and limitations are a	pplicable to this noise permit:	
•	<u>.</u>	
•		
•		
III. Expiration.		
This noise permit is issued for the following d	lates and expires on the following date:	
Date(s):		
Expiration:		
For use by the City Administrator only:		
Application granted: [] Yes [] No		
Signature:	<u> </u>	
Date:	, "	
	7 "	



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 should be submitted via email to deputyclerk@cityofsalida.com. If that is not possible, they can be submitted in-person to 448 E 1st Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

Applicant Name:	Jason Maxwell
Applicant Business/Organization:	Tres Litros Beer Company
Applicant Phone:	303-596-9138
Applicant Email:	jmaxwell@treslitrosbeer.co
Applicant Address:	118 N. E St Salida, CO 81201
Sound Supervisor ¹ :	Jason Maxwell
Sound Supervisor Phone:	303-596-9138
. Event Information.	
. Lacill illiollilation.	
Description of Event: Live Music	
Description of Event: Live Music	65-75 Persons
Description of Event: Live Music	
Description of Event: Live Music Estimated Attendance:	65-75 Persons
Description of Event: Live Music Estimated Attendance: Date(s):	65-75 Persons 11/25/22

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



Type of Noise (e.g., live music, parade): Live Music		
Type of Sound Amplification Equipment: PA Sound System		
IV. Agreement.		
As the applicant for this noise permit, I, Jason Maxwell , 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 of 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: Date:		
For use by the City Clerk only:		
Application fee received: [] Yes [] No [] N/A		
Signature:		
Date:		



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.

The following conditions and limitations are a	pplicable to this noise permit:	
•	<u>.</u>	
•		
•		
III. Expiration.		
This noise permit is issued for the following d	lates and expires on the following date:	
Date(s):		
Expiration:		
For use by the City Administrator only:		
Application granted: [] Yes [] No		
Signature:	<u> </u>	
Date:	, "	
	7 "	



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 should be submitted via email to deputyclerk@cityofsalida.com. If that is not possible, they can be submitted in-person to 448 E 1st Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

Angliand Name	Jason Maxwell	
Applicant Name:	Jason Maxwell	
Applicant Business/Organization:	Tres Litros Beer Company 303-596-9138	
Applicant Phone:		
Applicant Email:	jmaxwell@treslitrosbeer.co	
Applicant Address:	118 N. E St Salida, CO 81201	
Sound Supervisor ¹ :	Jason Maxwell	
Sound Supervisor Phone:	303-596-9138	
II. Event Information. Description of Event: Live Music		
Estimated Attendance:	65-75 Persons	
Date(s):	11/29/22	
Hours of Event:	7-10pm	
Location of Event:	118 N. E St	
	Salida, CO 81201	

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



Type of Noise (e.g., live music, parade):		
Type of Sound Amplification Equipment: PA Sound System		
IV. Agreement.		
As the applicant for this noise permit, I, Jason Maxwell , 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: Date:		
For use by the City Clerk only:		
Application fee received: [] Yes [] No [] N/A		
Signature:		
Date:		
As the applicant for this noise permit, I, Jason Maxwell, 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: Date: 10/25/22 No [] No [] N/A		



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.

The following conditions and limitations are a	pplicable to this noise permit:	
•	<u>.</u>	
•		
•		
III. Expiration.		
This noise permit is issued for the following d	lates and expires on the following date:	
Date(s):		
Expiration:		
For use by the City Administrator only:		
Application granted: [] Yes [] No		
Signature:	<u> </u>	
Date:	, "	
	7 "	

NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL FOR THE CITY OF SALIDA CONCERNING A NOISE PERMIT APPLICATION

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS PLEASE TAKE

NOTICE: that on November 1, 2022 at or about the hour of 6:00 p.m. a public hearing will be conducted by the City of Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link:

https://attendee.gotowebinar.com/register/6382995264411204366. The hearing concerns a Noise Permit Application filed by Jason Maxwell for events to be held at Tres Litros Beer Company, located at 118 North E Street in Salida, Colorado.

The applicant is requesting to provide amplified sound outdoors for events on the following dates:

- November 4, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,
- November 5, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,
- November 11, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,
- November 25, 2022, between the hours of 7:00 p.m. and 10:00 p.m., and
- November 29, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,

the dates of which are outside of the months in which amplified sound is typically permitted.

Interested persons are encouraged to attend the public hearings. Further information on the application may be obtained from the City Administrator, (719) 539-4555.

*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.