

Senate Local Government & Housing

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SB26-098 State & Local Noise Abatement Authority

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Dallas Greenberg Against themselves	My wife and I live 1 mile from the Ford Amphitheater in Colorado Springs. We have suffered through 2 years of concerts, with noise levels measured at our house over 60 decibels! We find it difficult to carry on conversations, watch TV, and even sleep during many of the concerts! Our city's officials have given Venue a "Carte Blanche" to exceed Colorado's noise abatement laws. Colorado's Supreme Court has recently ruled that local governments must abide by these laws. Instead of focusing on reducing noise to abide by these laws, for-profit entities have requested a new law, SB26-098, to put decisions on noise limits into local governments hands. That is exactly what transpired in Colorado Springs, which allowed the excess noise pollution in neighborhoods around the Ford Amphitheater! Please don't allow SB26-098 to move forward, and keep the existing Colorado noise abatement laws in place!
Larysa Martyniuk Against themselves	Living a couple of miles from the Ford Amphitheater in Colorado Springs I and my neighbors have been negatively affected by the noise pollution coming from the music venue. Although I love and appreciate music of various genres the constant boom boom boom can be very irritating. Neighbors w children or those who need to have a decent night's rest are unable to do so. When sitting in your own backyard if one can't carry a conversation or play ones own music due to the overpowering noise coming from a business or neighbor that is infringement on one's rights. If you dissolve the very law that has been in place for over 50 years protecting citizens the noise pollution will only get worse. If corporations and neighbors aren't restricted by decibels and times than our communities and our individual are being unjustly punished and exposed to sounds that are detrimental to our overall well-being . I hope that our government representatives fully comprehend what abolishing the 50

	<p>year old law mean. Preserve our neighborhoods, preserve our ears and protect us from noise pollution.</p> <p>Larysa Martyniuk</p> <p>US citizen/Independentvoter/</p> <p>District 5 Colorado Springs</p>
<p>Laura Alford</p> <p>Against themselves</p>	<p>I have been a resident in the Gleneagle neighborhood since 2019 and one of the reasons my family chose this neighborhood was because it was quiet and somewhat removed from the city. There is more green area and space between houses and we really liked the area. When the first concert took place at Ford Amphitheater in August 2024, I was horrified at how loud it could be heard not only on my property but inside my home and master bedroom despite having closed windows and doors. During one of the concerts in August, I could actually hear curse words from my front yard. I am incredibly angry that I now have to be subjected to intrusive and disturbing noise nearly every time there is a concert at Ford Amphitheater. My home should be my sanctuary where I am not forced to endure or encounter anything that is considered noise pollution from an outside entity. Hearing the concert noise creates frustration, agitation, and dread because we never know how long it will last. We no longer look forward to warmer weather and being able to sit outside on our own property or have our windows open at night because of the repetitive beats and noise coming from Ford Amphitheater. I have submitted noise complaints each night that I can hear the concert sounds. Some concerts are fine and we do not experience any noise pollution which points to the fact that the sound levels can be controlled and kept to the more immediate area without affecting the surrounding neighborhoods. I work full-time and am the parent to two children with special needs and this issue has created enormous stress for me personally and has taken up countless hours trying to find a remedy that so far our city and state government has not provided. This bill should absolutely under no circumstances be passed.</p>
<p>Rodd Winterrowd</p> <p>Against themselves</p>	<p>Thank you for reading my testimony. This is Rodd Winterrowd. I have lived in Northgate highlands since our home was new in 2005. We loved the peaceful tranquility that we had here before the Ford Amphitheater opened for business. We are about 1.3 miles away from the Amphitheater. We also love live music. This organization has the</p>

	<p>sound so high that we cannot enjoy peace and quiet inside our homes let alone sitting outside in the summer until after 11pm when we should be sleeping for the next days work or appointments. My wife also has Tinnitus and can barely stand the noise and vibration coming from the venue. Even with a white noise fan. We hear every lyric, every drum beat, every bass guitar strum, and everything else the bands use. Please vote against this bill for the hundreds of families that are affected by a group of very wealthy individuals think they can bully us and that the noise laws don't apply to them with their deep pockets. We would love to stay in our forever home but if this Amphitheater group doesnt abide by the law of 50 decibels at the concert arena, we will have to move and now get less for our home we have worked so hard to pay off. This whole city is aware of the loud music in our communities. If they would only turn down the volume to be under the state law that would be great! This Amphitheater does not belong with so many homes and apartments a stone throw away in the first place. Thank you for your time and concern. Please vote NO on SB26-098.</p>
<p>Allen Sullivan Against themselves</p>	<p>I am a Colorado Springs resident living in the Northgate area since 2013. I and many of my fellow residents of the area opposed the initial plan to build an open-air, outdoor, amphitheater so close by existing residential areas, later named Ford Amphitheater. Long story short, we were essentially ignored through many instances of city council meetings, communications with the council, and comments to the mayor and other city leadership. Other communications with county and state elected officials made no difference either. Near the time of the first concert, the city waived away the noise pollution through a "hardship permit". This is a huge slap in the face to residents nearby. I and am writing to ask you to oppose Senate Bill 26-098 (State & Local Noise Abatement Authority).</p> <p>SB26-098 would remove our last ounce of ability as citizens to defend ourselves against the harmful noise that continues to invade our homes without meaningful controls or enforcement. Allowing local governments to permit noise pollution beyond the state legal limit has already destroyed the peaceful enjoyment of our home and disturbed our sleep, which affects everything from our kids being able to perform well in school and us as parents and income earners</p>

	<p>to concentrate at work. We desperately need to maintain the legally required protections, enforce them, and uphold the recent Dobbs decision. Businesses should be responsible for controlling their noise emanating into our homes that we have lived in for many years before the businesses moved in. Ford Amphitheater is a repeat offender, ignoring state law, and claiming to have addressed the issues with ineffective measures while being protected by these ridiculous "hardship" permits. The supposed sound mitigation measures are nothing more than the same dollars they were planning to spent on building their restaurants and surrounding structures. They do zero to mitigate the sound at the elevation where our home sits. This is their way of thumbing their nose at those of us who were living here peacefully for many years prior, while they moved in and leveraged their network of political influence to gain approval for the project, despite the obvious impact, and ensured their violations would be waived away. We cannot allow this abuse to continue. The impact on my family's ability to live peacefully should be considered important to our city and state leadership.</p>
<p>Andrew Dengate For Downtown Salida Restaurant Entertainment and Bar Association</p>	<p>As the Executive Director of the Downtown Salida Restaurant, Entertainment, and Bar Association, I strongly believe that decisions regarding amplified sound should remain in the hands of local municipalities. Communities across Colorado differ greatly in size, geography, economy, and culture, and a statewide standard cannot account for the nuance required to balance quality of life with community vitality.</p> <p>As a community member, I fully understand the importance of quiet times and spaces. Residents deserve peace and predictability within their neighborhoods. However, the broad restrictions resulting from last year’s Colorado Supreme Court ruling paint this issue with far too wide a brush. A decision stemming from the frustration of a single neighbor—an individual who no longer lives within the affected community—now limits municipalities across the entire state. Public policy should reflect the needs of entire communities, not isolated circumstances.</p> <p>There is a reasonable middle ground: protecting neighborhood peace while allowing the vibrancy that live music and amplified sound</p>

	<p>cultivate. Local governments are best positioned to strike this balance because they understand their residents, seasonal economies, event calendars, and physical layouts. They already manage zoning, permitting, and public safety, and are fully capable of implementing thoughtful solutions such as quiet hours, decibel limits, and event-specific permissions.</p> <p>When responsibly managed, amplified sound provides significant community and economic benefits.</p> <p>From a community-building perspective, live music and public programming create shared experiences that bring residents together across generations and backgrounds. They activate streets, parks, and plazas as gathering spaces, strengthen local identity, and support artists and performers who contribute to a community’s cultural fabric.</p> <p>Economically, amplified sound enhances tourism by creating lively and memorable destinations. Events become more attractive, visitors stay longer, and nearby restaurants, retailers, and hospitality businesses benefit from increased foot traffic. This activity directly translates into higher sales tax revenue, stronger small businesses, and increased confidence for private investment in downtown districts.</p> <p>The long-term civic impacts are equally important. Active public spaces foster civic pride, encourage community participation, and promote safer environments through increased</p>
<p>Cramer Vlerebome For themselves</p>	<p>As a local small time musician this bill directly impacts my lively hood. This also impacts bartenders, food service members, and other members of the live music community. In a time where our economy is terrible this at least allows some income to occur from later events.</p>
<p>Damien Myers For</p>	<p>This bill creates opportunity for many communities to support and engage in live music. In Salida, where we have one of the largest art districts in the state, the sounds of live music have all but gone silent</p>

<p>themselves</p>	<p>due to the wants of a small group of well-to-do individuals. Because of their poor choice of where they chose to buy their home, a luxury most do not have in this small town, they are close to this designated area. Because they are well off and have money to spare, they fought our towns sound ordinance rules all the way to the Colorado Supreme Court. They won that case and the cost of that choice is only now beginning to be felt. Towns should be able to set limits that they feel are appropriate and that are supported by the populace.</p>
<p>Sasha Smalley For themselves</p>	<p>To: Members of the Senate Committee Re: In Support of SB26-098 "Local Control of Noise Ordinances" To the Honorable Members of the Committee, My name is Sasha Smalley and I am a resident of Salida. I am writing today to express my strong support for SB26-098. Live music is the heartbeat of Salida's economy and culture. However, current antiquated state rules regarding noise often fail to account for the unique layout and vibrant atmosphere of our mountain community. By passing SB26-098, you are empowering our local government to create reasonable, common-sense noise programs that reflect our specific needs. Local officials are best positioned to balance the needs of residents with the success of our local businesses and artists. Moving this authority to the municipal level ensures that Salida can remain a destination for the arts while maintaining a high quality of life for its citizens. I urge you to vote YES on SB26-098 to support the future of live music in Colorado. Respectfully, Sasha Smalley 235 W Rainbow Blvd. Salida, Co 81201</p>
<p>Thomas Bruce For themselves</p>	<p>Noise ordinances should be determined locally</p>

<p>Eric Lubell For themselves</p>	<p>Hello, I'm 48 and I am born and raised in Colorado Springs. I currently reside in Salida, CO. There are only about 6,000 residents in Salida, with a strong tourist population almost year round. For better or worse, there is not a ton to do in "town". Live music, however, has a very strong showing at several local establishments. Typically music goes from 7p to 10p on Friday and or Saturday evenings, allowing for neighbors to get their rest. The music business supports many local residents who pour beers, cook food, clean bathrooms, and do whatever else they need to do that allows them to live in this wonderful place. Local establishments and residents need to be able to exercise their own discretion on when much is played and how loud it is. Please PASS this bill and don't allow one blanket decision to impact everyone who is kind enough to bring the world live music. Thanks.</p>
<p>Jason Maxwell For Tres Litros Beer Company</p>	<p>I am the owner of Tres Litros, a brewery in Salida, where we strive to make great beer, provide a safe & fun environment for our patrons & give back to our community & I am in favor of SB26-098. We provide live music to countless locals & tourists on our stage & have been commended for doing so for many years. Salida completed a lengthy process of writing new noise ordinance laws 5 years ago when establishments started hosting live music again after a hiatus forced by Covid. There were strong opinions on the side against amplified noise, & strong opinions on the side that wanted live music to live on & prosper in a town known for live music & it's arts district. More importantly, the side in favor of live music greatly outnumbered the other side. During negotiations, many compromises were made & a fair set of guidelines were created. My business, as well as others, adhered to the ordinances & carried on hosting live music for several years with few, if any, complaints from the community. In fact, most people love the live music scene & appreciate the fact that they can see acts throughout the year.</p> <p>Hobbs v. City of Salida has & will continue to affect venues here, but this ruling also affects venues across the entire state. CO is a state known for live music & this ruling can ruin that reputation by reverting back to antiquated state rules. This means a loss of revenue for many venues, which equates to a loss of sales tax for the state. It would destroy the business model that I employ & make it a lot harder to be successful in the future. I imagine the same goes for businesses statewide, which will eventually lead to the closing of</p>

	<p>many, forcing people from work, including musicians, & taking away essential community gathering spaces.</p> <p>Salida needs tourism to fuel the economy, & a large number of the tourists that come to Salida come for the arts & culture, a large part of which is in the form of live music.</p> <p>I am the owner of one small business, in one mountain town, among a state of many mountain towns, & a few large cities. Colorado has some of the best venues in the country & it is in the best interest of the economy, the culture & the Colorado experience to keep them all open & allow them to follow the rules set by the municipalities where they reside. The places, and the people in those places will have the best sense of how those rules should be written and enforced and should not be subjected to outdated, and overreaching statewide laws.</p>
<p>Renée Tate Against themselves</p>	<p>Good afternoon,</p> <p>When my husband and I were about to close on our home—the home we poured our life savings into and planned to raise our children in for the next twenty years—I remember driving through the neighborhood where the Ford Amphitheater now sits. It wasn't built yet, and I actually said, "An outdoor amphitheater would be so cool here with that view."</p> <p>I wasn't worried about the noise. I believed we had laws and protections in place to make sure something like that could coexist respectfully with the surrounding neighborhoods. And as someone who loves live music, I was pumped.</p> <p>At the amphitheater's soft opening, I remember the first words out of the owner's mouth were, "Shh! we don't want to wake the neighbors." It was meant sarcastically. And in that moment, it revealed something deeper: Mr. Roth's dark heart which holds a deep lack of concern for the people who live nearby.</p> <p>Once the concert season began, the reality set in. Yes, I attended a few shows and had a great time. But back at home, inside my</p>

	<p>bedroom, with the windows shut, the attic fan running, and the TV on. I still couldn't hear the television over the bass thumping through our walls.</p> <p>That isn't reasonable coexistence.</p> <p>We're not asking for concerts to stop. We're simply asking that venues play by the same rules as everyone else and respect the communities around them. Passing legislation that weakens those protections sends the message that homeowners and families no longer matter.</p> <p>Please do not pass this bill.</p> <p>Thank you for your time.</p>
<p>Andrew Wall For themselves</p>	<p>To whom it may concern,</p> <p>My name is Drew Wall, and I am a resident of Salida and an employee at a local business that has been directly affected by the court decision in Hobbs v. City of Salida.</p> <p>Salida is known across Colorado as a creative arts district and a community built around music, culture, and small businesses. Live music is not just entertainment here—it is a major part of our local economy and identity. Restaurants, bars, and venues rely on live music to attract visitors and support local musicians.</p> <p>The outcome of this case has effectively shut down outdoor live music in our town, harming local businesses, artists, and the broader community. A single legal dispute should not override the ability of a community to make reasonable decisions about how it manages events, culture, and sound within its own boundaries.</p> <p>Local governments are in the best position to balance the needs of residents, businesses, and cultural events. Cities like Salida already have processes to issue permits, limit decibel levels, and set</p>

	<p>reasonable time restrictions. These decisions should be made locally, where community members can participate in the process and elected officials can respond to their constituents.</p> <p>I strongly support legislation that restores local control over sound ordinances so that communities like ours can responsibly support live music, tourism, and small businesses while still protecting quality of life for residents.</p> <p>Thank you for your consideration.</p> <p>Sincerely, Drew Wall Salida, Colorado</p>
<p>Michelle Walker For themselves</p>	<p>Live music is at the heart of many communities across Colorado, including mine of Salida. The live music culture is one of the top reasons I moved here, and have chosen to move back here after a short time away. Creative communities thrive when the arts are accessible, and live music events are the most accessible, when considering all venue types. Limiting how live music events can be run, without local community input or control, would be a hinderance many mountain towns, not just mine. Live music supports towns who financially rely on tourism, both in on and off seasons. But without residing full time in one of these towns, it's impossible to understand this. Let our communities continue to thrive, and let us have control of our live music.</p>
<p>Logan Kirkland Against themselves</p>	<p>Having lived in a tourist town that thrives off of local events and outings, it seems odd to muffle the very thing that draws people to us. Without such events and luxuries to attract business, how do we expect our service industry workers to make a living wage. A wage which is already considered minimal to other careers, and a career that holds as a cornerstone in our economy.</p>
<p>Alysha Rushing Against</p>	<p>My name is Alysha Rushing, and I live in Chaffee County and work at Tres Litros Brewing in Salida. Live music is part of the heartbeat of our community. It supports local musicians, brings neighbors together, and helps small businesses survive in rural towns like ours. I support</p>

<p>themselves</p>	<p>most reasonable efforts to maintain respectful noise levels, but requiring permits for routine live music would create unnecessary barriers for small venues that host musicians regularly. In communities like ours, live music is not a rare event, it’s part of everyday community life. I encourage policymakers to protect that culture and avoid policies that could make it harder for local businesses to support musicians and bring people together, and perhaps ultimately affect tourism income.</p> <p>Thank you for your consideration.</p>
<p>Alysha Rushing For themselves</p>	<p>My name is Alysha Rushing, and I live in Chaffee County and work at Tres Litros Brewing in Salida. Live music is part of the heartbeat of our community. It supports local musicians, brings neighbors together, and helps small businesses survive in rural towns like ours. I support most reasonable efforts to maintain respectful noise levels, but requiring permits for routine live music would create unnecessary barriers for small venues that host musicians regularly. In communities like ours, live music is not a rare event, it’s part of everyday community life. I encourage policymakers to protect that culture and avoid policies that could make it harder for local businesses to support musicians and bring people together and perhaps ultimately affect tourism income.</p> <p>Thank you for your consideration.</p>
<p>Samantha McClay For themselves</p>	<p>I am in support of local governments enacting their own reasonable noise ordinances. In the small tourist community that I live in, live music is a pivotal source of income for many service industry workers who hardly make enough to live here. Not only is it important to the employees but the overall economy in these towns. In Salida, we have a thriving art district that includes live music. Our town has weekly free outdoor concerts and bars/restaurants with outdoor space that people travel to see live music at. Other towns may not rely on the tourism and prefer a lower noise ordinance and that should be their right to do so, however, that should not impact the economy of other towns where a higher noise ordinance allows for events our town (residence, businesses, and visitors) support and rely on.</p>
<p>William Hussey</p>	<p>Please return control of local sound ordinances to municipalities!</p>

<p>For themselves</p>	<p>Bill Hussey Salida, CO resident</p>
<p>Jill Davis For themselves</p>	<p>As a citizen of Colorado, I am in support of this bill to return authority to municipalities when dealing with noise ordinances. The current ruling on a case brought by Matt Hobbs by the state Supreme Court will have a negative impact on local economies that depend in part on live music to draw patrons to privately owned venues. Colorado has a rich culture rooted in live music and attracts visitors to experience this culture. The antiquated law that is currently in place needs to be updated to fit today's economy and lifestyle.</p>
<p>Chris Nasca Against themselves</p>	<p>The decibel restriction levels only applies to small business ,restaurants & bars. Seems city sanitation events and non profits are exempt from these decibel levels. Business are the ones that keep the sales tax dollars happening. Decibel levels should be reevaluated and corrected for all parties.</p>
<p>John Epp For themselves</p>	<p>As a 55 year resident of Salida and Chaffee County I have been appalled to see the state vote in favor of independent land owners who knowingly purchase property in the downtown business district and then file lawsuits against entertainment venues for noise violation. It makes no sense that a person or persons who knowingly choose to reside in these parts of town should have the ability to negatively impact businesses and the enjoyment of local entertainment for our residents and visitors. Municipalities have a better knowledge of their community dynamic and a better appreciation of the economic and social impact such actions will have on them, particularly on rural economies where these businesses are in small supply and are already operating on a shoestring budget.</p>
<p>jeany rush Against themselves</p>	<p>TO: SENATE LOCAL GOVERNMENT & HOUSING RE: SB26-098 STATE & LOCAL NOISE ABATEMENT AUTHORITY SPONSORS: L LISTON, M BALL, G RYDIN FROM: JEANY RUSH, COLORADO CONSTITUENT 3-12-26 VOTE: NO FOLKS: â€œCAN YOU HEAR ME NOW?â€ â€œCAN YOU SMELL IT?â€</p>

	<p>So, question, if you are alone in a forest, and shoot an explosive, will there be any noise? Or will it be considered silent, because no one is there to hear? If a company is a non-profit, or any other supposed exemption you create in your bill, will they make less noise next to a neighborhood, than a FOR PROFIT concert company?</p> <p>You might as well ask people of methane makes NOISE? Well it sure might STINK!</p> <p>For decades now Colorado has had statewide protections for many groups, and concerns, including pollution causes. Noise is also part of "Quiet Enjoyment." When the area is already in place, you cannot, or should not suppose that you can just with the SWIPE OF THE PEN, impose on their rights in the name of Money Money Money, or Non-supposed causes. What about the rights of the masses already in place? Colorado Springs sure is an example of thoughtless development.</p> <p>Your bill is not to help non-profit organizations, it is to help FOR PROFITS get in through the back door of supposed DO GOOD! In this case the state has worked for decades to protect with accountability.</p> <p>Imposing Exemptions to non profits, or anyone about noise limits to jump over existing protection seems even Shady. Residents in local communities need protection, and not more attack by WOLVES IN SHEEPS CLOTHING! We already have let enough wolves into the state! We are virtually a GULAG. In case you have not noticed, dogs, cats, wolves have more rights of protection that women and children in Colorado. It still wants to be our PIMP DADDY! Stop opening up pandora's box to circumvent our rights!</p> <p>You cannot keep compromising citizens rights in favor of big business, or fake non-profit causes that enable the absolute destruction of human decency, and laws of God and Man! HELLO CAN YOU HEAR ME NOW?</p>
<p>Nathan Young For themselves</p>	<p>I believe it should be up to local municipalities to govern their local noise abatement, not the state. Every municipality/town/city is different, with differing variables to consider regarding noise levels. Some of these variables that differ between municipalities are geography/location of the source of the noise, local perception</p>

	<p>regarding noise levels, and the nature/purpose of the source noise. I do not believe noise abatement can be governed, site unseen & individual community unseen, by the state.</p>
<p>George Mossman For themselves</p>	<p>As a musician, producer and festival promoter, I am in favor of returning noise ordinance decision making to local municipalities.</p>
<p>Carey Hallett For Sundry productions</p>	<p>I make my living as an audio technician. I depend on live entertainment to provide a living not only for myself but also my crew. I have seen a dramatic confusion come over my industry and it seems that music has been under scrutiny over the past few years. I believe music to be the great bond for our communities and I would love for it to make a resurgence for the uplifting effect it has on our communities morale. I do believe that every community should govern its own opportunities around any event that provides financial opportunities as well as morale boosting especially in these heavy times. The lawyer in my town is the one pushing for the ordinance and he is acting out of anger because he didn't win the first court battle. So he took it to Colorado Supreme Court. He is bruised and has posted photos and comments stating he is gonna get his say. Seems very childish to make such a demand over his bruised ego!! The people deserve to govern their municipalities to manage and plan accordingly to the communities desires in which they live in. It's what the people want. Not everyone wants the isolation this will create. Come on, haven't we had it hard enough with state of things in the world? We need a win for the peoples sake!</p>
<p>Dillon Gross For themselves</p>	<p>Live music is a core part of the lifeblood of our small towns in Colorado. It provides jobs, entertainment, and connection. Live music permitting should be left to those municipalities where it happens and not regulated by a broad state apparatus that generalizes and overly restricts decibel levels.</p>
<p>Aaron Robbins For themselves</p>	<p>I support allowing local government to tailor their noise ordinances to fit the community they serve.</p>

<p>Craig Steiner Against themselves</p>	<p>I ask the members of the committee to oppose SB26-098 that would allow and encourage increased noise pollution in my neighborhood.</p> <p>I'm a resident of unincorporated El Paso County approximately 3 miles northeast of the stage of the Ford Amphitheater. My wife and I moved here in 2020 seeking the quietness of the Black Forest knowing that the areas around our home were quiet, residential, and fully built-out.</p> <p>The Ford Amphitheatre has been a nuisance ever since its first show. Though we're miles away in the forest, on many concert nights it sounds like there's a nightclub just down the block. Sitting outside used to be relaxing and something we'd look forward to at the end of the day, but that is often not possible as the noise sounds like a neighbor is having an out-of-control party. Beyond enjoyable outdoor relaxation, the noise often invades the peace inside our home. During many shows, we can't avoid hearing the noise or the pulsating bass even with our windows closed, A/C and indoor fan on, and while watching TV. There have been nights when we've been unable to sleep until the end of a show because the noise can't be ignored in a quiet bedroom.</p> <p>Colorado Springs has been unresponsive to the harm the noise is causing, and in our case it's even worse because we're citizens of unincorporated El Paso County and are unable to vote against the government leaders who have allowed this abuse to continue outside their city limits.</p> <p>Noise pollution--especially in residential areas--is as serious as any other kind of pollution. Our homes should be places where we can rest and relax, especially when we choose homes that are miles away from commercial zoning. The existing law regarding noise pollution has served Colorado for half a century and the law should not be changed now to enable increased noise pollution just because special interests in the entertainment industry are on the losing side of an ongoing court case. Were this noise being caused by a homeowner,</p>
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	<p>law enforcement would have already issued citations for disturbing the peace.</p> <p>Colorado should continue to guarantee its citizens at least a minimum standard controlling noise pollution in residential areas and not give jurisdictions authorization to violate pollution standards to benefit special interests.</p> <p>I would ask you again to oppose SB26-098.</p>
<p>Patricia LaFollette Against themselves</p>	<p>I am a person who has suffered anxiety, loss of peace and quiet in my home, loss of the enjoyment of my neighborhood - where loud music is heard throughout during concerts - making evening walks stressful, and I have had nights I cannot sleep in my bedroom - with my windows closed - due to the noise pollution created by the Ford Amphitheater in Colorado Springs. We live one mile away.</p> <p>I urge you to vote NO on SB26-098, "State & Local Noise Abatement Authority." This bill would take away Colorado's statewide noise protections and allow local governments to set or ignore noise limits, putting our health and peace at risk.</p> <p>Noise is more than an annoyance; it's pollution. The EPA and National Institutes of Health have shown that exposure above 55 decibels outdoors and 45 indoors harms sleep, raises stress, and increases heart risks. Those levels form the basis for our statewide safety standards.</p> <p>I live near the Colorado Springs Ford Amphitheater, and I've measured sound that exceeds both city and state limits. The noise often intrudes into many of our homes, disturbing our sleep and causing anxiety. Families like mine, seniors, veterans with PTSD, and children with sensory sensitivities all rely on consistent statewide protections.</p> <p>The Colorado Supreme Court's 2025 Hobbs decision already rejected this approach for good reason; it would lead to a patchwork of rules with no accountability to residents. Businesses are responsible for chemical pollution; noise emissions should be no different.</p>

	<p>Please stand with your constituents, not special interests. Protect our right to quiet, health, and community wellbeing. Vote NO on SB26-098.</p>
<p>Nathan Davis For themselves</p>	<p>I support each individual communities right to establish their own sound ordinance unique to their citizens needs.</p>
<p>Andrew Callaway For themselves</p>	<p>Makes sense to give control to municipalities</p>
<p>Paul Byars For themselves</p>	<p>Different communities thrive and attract people for different reasons. A music and art community which has a vibrant music scene and gatherings is exercising the constitutional right of assembly and free speech. There are plenty of places to live and be removed from public gatherings but local towns cities and communities should be allowed to gather and enjoy art music and dance. The desire for a few to silence and prevent the joy of the others is a violation of rights and the pursuit of happiness for others. There are also quiet use spaces and communities so there also should be places for excitement and joy for a balance of life.</p>
<p>Steve Knopf For themselves</p>	<p>From the oldest of times, people danced for a number of reasons. They danced in prayer or so that their crops would be plentiful or so their hunt would be good. And they danced to stay physically fit and show their community spirit. And they danced to celebrate. And that, that is the dancing that weâ€™re talking about. Arenâ€™t we told in Psalm 149: â€˜Praise ye the Lord. Sing unto the Lord a new song. Let them praise His name in the danceâ€™?â€ It was King David. King David, who we read about in Samuel, and, and what did David do? What did David do? What did David do? â€˜David danced before the Lord with all his might, leaping, leaping and dancing before the Lord.â€™ Leaping and dancing! Ecclesiastes assures us that there is a time to every purpose under heaven. A time to laugh and a time to weep. A time to mourn and there is a time to dance. And there was a time for this law, but not anymore. See, this is our time to dance. It is</p>

	<p>our way of, of celebrating life. It’s the way it was in the beginning. It’s the way it’s always been. It’s the way it should be now.</p> <p>Each town and city in Colorado is unique and different. It should be the right of the people in that town to make decisions on how the town is shaped.</p>
<p>Allison Gergley For themselves</p>	<p>I am writing tonight in support of SB26-098. As a resident of Salida, CO for more than 7 years, live music has been a source of constant positivity and community connection in my life. Prior to living in Salida, I spent many years in both San Francisco, CA and Boulder, CO, where live music was plentiful in a variety of forms - as you enjoyed dinner with friends at a restaurant; basked in the sunshine in parks; or danced along at a concert venue. All of these instances have brought not only joy, but a sense of connection to myself and others into my life in a meaningful way.</p> <p>With a high-stress job and many hours spent in front of a computer, in meetings or inside without taking many breaks throughout the day, live music is a way for me to reduce anxiety and really enjoy being in the moment, while making friends along the way who also appreciate music.</p> <p>Live music at local venues is also a major way I contribute to and support local businesses. However, with the current noise parameters in place, I'm afraid that many of my favorite places who rely heavily on local support through live music will be negatively affected in extreme ways. We want to support those who work hard to provide many of us avenues for community connection through a shared love of music.</p> <p>You will never see a sad or disappointed person when the music is playing; dancing, laughing and positivity shines through. Please support our local orgs and businesses who bring live music to our mountain communities, and through them, you are supporting the citizens who find solace, community and balance through that music.</p>

<p>Dean Maes For Sunset Productions Entertainment</p>	<p>The local laws are prohibiting my line of work past certain reasonable time frames. I am losing jobs and revenue over this.</p>
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I oppose Senate Bill 26-098, and urge a no vote. SB 98 undermines a landowner's private property rights with regards to noise pollution. For over 200 years, a landowner's private property rights included the right to "quiet use and enjoyment" of their property. The landowner has the right to file a civil tort lawsuit for nuisance if their property right to "quiet use and enjoyment" is violated.

Decades ago, Colorado passed the Noise Abatement Act which (1) set statewide noise standards for different categories of land use, including residential, and (2) made violation of these statewide noise standards a public nuisance. This Noise Abatement law has protected landowner's private property rights by providing a clear noise standard for a nuisance lawsuit.

For new developments, the Noise Abatement Act also provides certainty in the noise standards they must meet in order not to violate their neighbor's property rights. SB98 would allow local jurisdictions to set less protective noise standards than the statewide standards. SB98 would also seriously undercut a landowner's ability to defend their property rights by eliminating statewide noise standards as the legal standard for a nuisance lawsuit.

While I strongly support the principle of local land use and zoning decisions by city/county governments, SB26-098 will harm a landowner's ability to protect their property rights with regards to noise pollution. A private property right is meaningless without the means to defend it.

These statewide noise standards have been in place while the Colorado economy has boomed, including the robust development of many commercial and entertainment venues. Therefore, I respectfully request a no vote on SB26-098.

Terri Carver
Colorado Springs, CO



*Colonel & Mrs. Michael Angley
13102 Rockbridge Circle
Colorado Springs, CO 80921-7603*

Colorado State Senate
Local Government Committee

March 10, 2026

Re: SB26-098


Dear Colorado State Senate,

I am writing to urge you to vote against referenced bill. If it were to pass, it would end decades of noise pollution controls that have served local communities well. In particular, it comes at a time when the Ford Amphitheater (FA), located in Colorado Springs, is under fire (legally and in the community) for violating existing noise pollution standards that this bill seeks to do away with. I live about one mile from the FA, and during concerts, we can hear the music in our home. Even with windows closed, we're victimized. We've lived in the same house for almost 21 years, so it's unfair to expect long-term residents like us to endure noise pollution from a business that only recently located itself within an existing residential community. The noise pollution we're suffering now was not only a predictable impact, it was something I and many neighbors attempted to stop before construction began.

It's also not lost upon me that the only person who will benefit from this bill is the owner of the amphitheater. Why are we considering a tailor-made bill to advantage one individual? It's interesting that in the US Constitution, our founders prohibited what is called a Bill of Attainder, a law designed to punish an individual. That makes sense. So why would we consider a bill that provides a benefit to one person, and one person only? The same logic and spirit behind preventing harm to an individual via the law should also prevent an advantage to one individual via legislation. On its face, it smacks of public corruption.

This issue is huge in the community where FA resides, so much so, that enough residents petitioned Colorado Springs City government to recall the Councilman who represents the district where the FA sits. His support for, and financial interest in the amphitheater, among other things, were the reasons behind his recall. I can assure you, we're angry, motivated, and organized to continue our grassroots efforts. Again, vote against SB26-098. There are no good reasons for it, unless you happen to own an amphitheater and have friends in the Colorado Senate.

Sincerely,


MICHAEL ANGLEY
Colonel, USAF (ret)



**Disabled American Veterans
Department of Colorado
1485 Holland St.
Lakewood CO 80215
303-922-3631
"Always Caring for Disabled
Colorado Veterans"**

March 11, 2026

TO: Senate Local Government & Housing Committee

RE: DAV- Disabled American Veterans Colorado
Opposes SB26-098--State & Local Noise Abatement Authority

Dear Committee Members,

DAV- Disabled American Veterans Colorado has been supporting thousands of Colorado Disabled Veterans for over 104 years. DAV Colorado continues to care and support our 19,000 DAV Colorado members as well as help represent the interests of nearly 400,000 Veterans and their families across the state of Colorado.

This bill would greatly negatively impact the 400,000 Veterans with increased traumatic brain injuries or mental health issues. The sponsors of this bill, must have never suffered continuous enemy mortar or rocket indirect fire attacks for days in combat operations that effect the Veteran psyche everyday. What about the Veteran that hits the floor after a sudden loud noise or is awake all night on July 4th or New Years Eve to try to get through the night without dramatic physical and emotional episodes, now to add to this difficult cognitive and mental anguish for the Veteran, some legislatures want to allow exemptions from statewide noise level limits. Who clarifies the exemptions for noise level limits? This bill will hurt all of Colorado instead of helping them.

DAV Colorado believes this is a very negative option to offer our Veterans and strongly oppose SB098.

We urge your NO vote in committee and drop this bill now.

Scott Feldt

Respectfully submitted,

Scott Feldt

DAV Colorado Department Commander | HQs; 1485 Holland St,

DAV Chapter 7 Commander | Chapter 7 Office;

1480 Hoyt St, Lakewood, CO 80215

Cell: (303) 356-8526

Office: (303) 914-5583

National Service Officer- DAV Denver VA Regional Office

Southern Ute Veterans Association Honorary Member

scott@dav.colorado.org

Citizen Testimony Regarding 2026 Bill 26-098 – State & Local Noise Abatement Authority

I am writing to you about my concern regarding 2026 Bill 26-098 - State & Local Noise Abatement Authority.

My wife and I are lifetime Colorado Springs residents and have been very deliberate with each decision we have made affecting quality of life for our family. One of our highest priorities was choosing the right area to live, raise our family and become part of community that shares our values.

One core value driving how and where we live has always been mutual respect. While we all have great latitude to live as we wish, it needs to be within established rules and societal norms. If I am enjoying music on my back patio, I know it should not be disturbing my neighbors, and if it does, I should be respectful and lower the volume. If I refuse, there should be rules that define when my music becomes unreasonable noise, and consequences for being an inconsiderate neighbor.

Well, I have an inconsiderate neighbor. The new amphitheater in northern Colorado Springs is about one mile from my home. It consistently violates the 50dB state noise limit, producing enough noise to be audible inside my home with all windows and doors closed and detracting from my own music, television, or normal conversation. In the past year, I have been treated in my living room to the rhythmic drone of bass and drums of bands such as Godsmack and Primus – with their thundering performance of “Wynona's Big Brown Beaver.” Don’t get me wrong – I enjoy some questionable music myself, but I don’t share it with the neighborhood.

While I am a strong proponent of local control, the Colorado Springs government has failed to protect its citizens from our bad neighbors blasting booming bass on many weekends until 11pm and school nights until 10pm. I am not against the amphitheater; I just want them to lower the volume. If Bill 26-098 passes, we lose important protection from the state to help us override misguided local government. Please – don’t let this happen.

Alexander J Herrera
13789 Windrush Dr
Colorado Springs, CO 80921

Subject: Please Vote **NO** on SB26-098 – Protect Colorado’s Noise Pollution Protections

Dear Senators

I am writing as a Colorado resident of the MorningView Municipal District at 13722 Rivercrest Circle which is about 2 miles from the Ford Amphitheater. Because I routinely get noise after 1900 on the order of 65-71 decibels on my deck. Many times, past 2200, even 2230. (See attached picture of a decibel reading from my deck.) Consequently, I urge you to **vote NO on SB26-098 in the Senate Local Government & Housing Committee.**

Colorado has recognized excessive noise as **environmental pollution and a public health threat** for more than 50 years under the Noise Abatement Act, SB26-098 would undermine those protections by allowing **for-profit corporations to bypass statewide noise limits through local permits**, with no state limits on loudness, duration, or frequency of events. This would perpetuate the harm I have experienced from Ford Amphitheater concert noise pollution in Colorado Springs.

Senator Linston’s aid told me the Senator feels local communities should be allowed to establish noise controls to protect their residents rather than a state limit, the reason for proposing SB26-098.

Unfortunately, Colorado Springs Mayor, Yemi Moboblade, and City Council members have proven local government can be swayed by big business to exceed those limits disturbing neighborhoods home enjoyment and sleep. Many nights the loud bass is heard behind closed doors and windows. For two years City government allowed the Ford Amphitheater to generate noise **above their own impact study**. Residents’ only recourse has been to appeal to the **State** to get Ford Amphitheater abide by state law and preserve our rights as residents in our neighborhoods. And all they need to do is **TURN DOWN THE VOLUME.**

SB26-098 would create a new loophole that allows **industrial-scale for-profit venues to operate outside statewide public health standards.**

Senator - Would you enjoy a noise generator creating 65-70 decibels in **your** neighborhood? I am thinking not. Therefore:

Please protect Colorado residents and the integrity of our statewide environmental and public health protections by **voting NO on SB26-098.**

Thank you for your time and service. Sincerely,

Louis Pisano, President, Morningview Municipal District, Colorado Springs

Chair and Members of the Committee,

My name is Geoff Eaton, and I have lived in the Northgate area of Colorado Springs for 18 years. I respectfully ask that you hear not only from those who profit from the Ford Amphitheater, but also from the residents who live with the impacts of the noise it generates.

When the amphitheater was proposed, many of us supported it because the developer and the City assured us they would be a good neighbor. I am a musician myself and enjoy live music venues. I want the venue to succeed. However, the Ford Amphitheater is simply not being a good neighbor.

My home is about three-quarters of a mile from the venue, yet during some events the sound is so loud it rattles the windows of my home. It carries so strongly that I cannot clearly hear the music I play in my own backyard. I would never turn my music up to that level because it would disrupt my neighbors. Being a good neighbor means respecting the shared environment around us. I am simply asking the amphitheater to do the same.

This issue is not just about inconvenience — it is about public health and the right to enjoy peace in our homes. I am a veteran who served to protect the rights of our citizens, and I never imagined I would have to advocate for something as basic as the ability to sleep in my own home.

The noise from the amphitheater is not like a passing airplane or an occasional loud party. Those events are temporary. If a neighbor hosted a loud party late at night, residents could call the police and the noise would be addressed. This bill would allow municipalities to grant permits for excessive noise, weakening the statewide protections that currently exist.

Colorado recognized long ago that excessive noise is a form of pollution. In the legislative declaration of the Colorado Noise Abatement Act of 1971, the legislature acknowledged that noise can endanger public health, welfare, and property values. For that reason, Colorado established statewide standards rather than leaving communities vulnerable to inconsistent local exceptions. That recognition was made more than fifty years ago, and the public health impacts of excessive noise have only become better understood since then.

We would never allow municipalities to weaken statewide protections for air pollution, water quality, or hazardous waste simply because a business wanted to operate differently. Noise pollution should be treated with the same seriousness.

The impacts are real. The late-night noise from the amphitheater rattles windows and vibrates the walls of my home, preventing sleep and affecting work performance the next day. Many residents in our community are experiencing the same disruption. In addition, there is growing concern that ongoing excessive noise will reduce the desirability of our neighborhoods and harm the value of our homes.

I truly hope the Ford Amphitheater succeeds, but profitability should not come at the expense of the health, peace, and property of the surrounding community.

This issue can be addressed very simply: follow the noise standards that have protected Colorado residents for generations.

I respectfully ask you to protect the statewide standards Colorado has relied on for generations and stand with the residents whose health, homes, and sleep are affected.

Thank you for your time and consideration.

To the Members of the Colorado General Assembly:

My name is Jeremy Griess, and I submit this testimony in strong opposition to Senate Bill 26-098. This legislation, which seeks to exempt certain entertainment venues from Colorado's statewide noise limits, represents a dangerous erosion of the protections that safeguard the well-being and quality of life for everyday residents like my family and me. By prioritizing the interests of large-scale venues over the peace and health of communities, this bill risks inflicting widespread harm on families across our state.

For ten cherished years, my family and I called a quiet neighborhood in Colorado Springs our home—a place we had carefully chosen as our forever sanctuary, where we envisioned raising our children, building lasting memories, and growing old together. Nestled just one mile from what would become the Ford Amphitheater, our life was one of tranquility and stability until the venue opened its doors. What followed was an unrelenting assault on our senses and our sanity, a noise pollution so pervasive that it infiltrated every corner of our existence.

I vividly remember the nights when escape seemed impossible. There was no room in our house—none—where we could find refuge from the throbbing bass, the pounding percussion, and the piercing lyrics that echoed through our walls. One particularly haunting evening stands out: I stood in my two-year-old daughter's bedroom, watching her tiny form toss and turn as she struggled to sleep, her innocent rest disrupted by the clear, intrusive sounds of a Godsmack concert blaring from a mile away. Her little face, usually so peaceful in slumber, twisted in discomfort, and it broke my heart to see her robbed of the quiet she needed to thrive.

The toll on our family was profound and multifaceted. My wife, a dedicated medical professional who serves our community with compassion and precision at her clinic, found herself unable to obtain the restorative sleep essential for her demanding role. Night after night, the noise invaded her rest, leaving her exhausted and compromised in her ability to provide the high level of care her patients deserve. Our young daughter, at such a tender age, suffered immensely as well; she was frequently unable to fall asleep when she needed to, or she would become overstimulated and agitated long past her bedtime, her developing mind and body denied the calm environment crucial for healthy growth.

As for me, the constant stress and disruption eroded my mental health to the point where I sought professional therapy to cope with the anxiety and despair it induced. What began as minor irritations escalated into a profound sense of loss and helplessness, as our once-idyllic home transformed into a place of torment.

In the end, the noise forced us to make an agonizing decision: we had to leave. This was no mere relocation; it was a heartbreaking uprooting from the home we had poured our dreams, savings, and love into—the forever home where we planned to celebrate milestones, host family gatherings, and create a legacy for our children. We sold our property for considerably less than its true market value, a financial blow that compounded our emotional devastation. To escape, we took on additional debt, burdening our future in ways we never imagined. The move shattered us emotionally; it felt like tearing away a piece of our souls, leaving behind not just walls and rooms, but the irreplaceable essence of stability and belonging that we had built over a decade.

This personal nightmare is not an isolated incident; it is a cautionary tale of what happens when noise regulations are weakened or ignored. Senate Bill 26-098 would pave the way for more families to endure similar suffering, allowing venues to operate without regard for the human cost to nearby residents. I implore you to reject this bill and uphold the statewide noise safeguards that protect our communities. Let us prioritize the health, peace, and emotional well-being of Colorado's families over fleeting entertainment. Our homes are more than structures—they are the heart of our lives, and they deserve to be defended.

Thank you for your time and consideration.

Sincerely,

Jeremy Griess

FORMAL NOTICE OF POSSIBLE TORT LIABILITY AND BREACH OF PUBLIC TRUST

TO: The Members of the Senate Committee on Local Government & Housing, the CSU Board of Governors, and University Leadership.

WE, a collective of concerned Colorado citizens, taxpayers, and proud alumni, are providing this **Formal Notice of Possible Tort Liability** regarding the University's support of **SB 26-098**.

It is deeply concerning that the committee vote on **February 26, 2026**, was **Arbitrary and Capricious**. There was no real talk about the 7-0 Supreme Court ruling in **Hobbs v. Salida (2025)**. By rushing to ignore the Court without even talking about the law, **WE** believe you are acting in a way that is **Willful and Wanton**. We believe this is **State-Sponsored Harm**.

1. The Supreme Court Overrides This Legislation (Hobbs v. Salida)

The 7-0 ruling in **Hobbs v. Salida (2025)** is the highest law in the state. It is more important than any "End-Run" bill. **WE** remind you of what the Court said:

- When a government group acts like a business to make money, it does not get a "blank check" to ignore noise laws.
- State power is not a magic wand used to make the rights of neighbors disappear.
- The power to lead is the power to protect, not the power to make money by hurting the people you lead.

2. Personal Liability for Wanton Conduct

Since you have now been formally told about this 2025 court case, **WE** believe any further push for **SB 26-098** is a **Wanton act**. This means you might lose your legal "shield." **WE** believe that you can be held personally responsible for the harm caused by trying to skip over the law.

3. Abandonment of the 1862 Morrill Act Mission

The university was given land for teaching and farming. Loud **Football Games**, concerts, and PBR events are **Business Activities**. These are for-profit events, not classrooms. When acting like a business, the University must follow the State Noise Law (**CRS § 25-12-103**).

4. Fiscal Responsibility (\$40M Deficit)

The school is facing a **\$40 million** money gap. Passing a bill that invites a wave of lawsuits is a bad idea for the budget. This money belongs to students. It should not be used to pay for breaking the law on purpose.

Conclusion: This notice is now part of the public record. You have been told about the **Hobbs v. Salida** ruling. **WE** are watching. If you choose to ignore the law to protect stadium money, you accept full personal and political responsibility for what happens next.

Sincerely, The Concerned Citizens & Alumni of Colorado

TO: The Members of the Senate Committee on Local Government & Housing, the Colorado State University Board of Governors, and University Leadership

RE: FORMAL NOTICE OF POTENTIAL LIABILITY REGARDING SB26-098 AND PROPRIETARY UNIVERSITY OPERATIONS

I, Daniel Silvas, of 808 Birky Place, Fort Collins, Colorado 80526, am providing this **Formal Notice of Potential Liability** regarding the University's active lobbying for, and support of, SB26-098. This notice serves to inform both the legislative body and University leadership that continued advancement of this legislation is viewed as a direct attempt to circumvent constitutional protections and established Supreme Court precedent.

It is deeply concerning that the committee vote on February 26, 2026, regarding SB26-038, was handled in a manner that I believe was arbitrary and capricious. There was no intellectual discussion of the 7-0 Supreme Court ruling in *Hobbs v. Salida* (2025). By rushing to bypass the Court with today's vote on SB26-098 without even mentioning that binding law, I believe you are engaging in **Willful and Wanton conduct**. In my view, this constitutes **State-Sponsored Harm**.

1. The Supreme Court Overrides This Legislation (*Hobbs v. Salida*)

The 7-0 ruling in *Hobbs v. Salida* (2025) is the supreme law of the state. It overrides any "End-Run" bill. I remind you of the Court's binding words:

"When a government entity engages in proprietary, for-profit activities... it does not enjoy a 'blank check' to ignore the very local protections designed to safeguard the community."

"State sovereignty is not a magic wand that can be waved to disappear the rights of neighbors..."

"The power to govern is the power to protect, not the power to profit at the expense of the well-being of the governed."

2. Personal Liability for Wanton Conduct

Because you have now been formally notified of this 2025 precedent, I believe any further push for SB26-098 is a Wanton act. This removes the shield of immunity. I believe that you can and will be held personally liable for the harm caused by this deliberate attempt to bypass constitutional protections.

3. Abandonment of the 1862 Morrill Act Mission

CSU's land was granted for education and agriculture. High-revenue concerts, football games, PBR events, or any other commercial use of campus facilities are Proprietary Activities. When

acting as a business, the University must follow the State Noise Abatement Act (CRS § 25-12-103).

4. Fiscal Responsibility (The \$40M Deficit)

CSU is facing a \$40M+ budget deficit. Passing a bill that invites a wave of private lawsuits is fiscally reckless. This money belongs to students, not to paying for "Willful" legal violations.

Conclusion:

This notice is a public record. You have been formally informed of the Hobbs v. Salida (2025) ruling. I am watching. Be advised: any legislator who votes to pass this bill, and any University official who directs the lobbying for or execution of this bill, is now on formal notice. If you choose to ignore the Constitution and proceed with the passage of SB26-098, you are accepting full personal and political responsibility for the fallout, including a direct **Notice of Claim for damages and subsequent litigation.**

Sincerely,
Daniel Silvas
808 Birky Place
Fort Collins, Colorado 80526

12434 Broad Oaks Drive
Colorado Springs, CO 80921
March 11, 2026

Colorado Senate Local Government and Housing Committee
Colorado Legislature
200 E. Colfax Ave
Denver, CO 80203

Dear Chair and Members of the Committee:

My name is Joel Miller. I am a former Colorado Springs City Council Member and an attorney. I live in the shadows the Ford Amphitheater in Colorado Springs. I am here today to strongly oppose Senate Bill 26-098, which seeks to undermine the protections of Colorado's longstanding Noise Abatement Act and the Colorado Supreme Court's decision in *Hobbs v. City of Salida*.

This bill, presented as "reestablishing local authority," would in practice grant local governments broad power to issue noise exemptions or permits to private, for-profit entertainment venues like the Ford Amphitheater—allowing them to exceed statewide noise limits at the direct expense of nearby residents' health, peace, and infringement of their property rights in violation of the Fifth Amendment. It is a direct legislative response to the *Hobbs* ruling, where the Colorado Supreme Court correctly held that local governments cannot issue noise exemptions to private commercial entities, as this would effectively nullify the uniform statewide standards set by the legislature in 1971 under the Noise Abatement Act (C.R.S. 25-12-101 et seq.). It is also worth stating that for many of the residents who live in range of the theater's excessive noise, there is no "local control" since those residents live in unincorporated El Paso County and have no voice in the Colorado Springs city government that has essentially waived all limits and standards.

Those uniform statewide standards—such as limiting residential areas to 50 dB(A) at night—are not arbitrary; they exist to prevent noise from becoming a public nuisance and to protect Coloradans from its well-documented harms, including sleep disruption, heightened stress, cardiovascular risks, and exacerbated conditions like PTSD. Importantly, the decibel scale is logarithmic, not linear: small numerical increases represent large jumps in actual sound energy and perceived loudness. For example, before the *Hobbs* decision curtailed such practices, the City of Colorado Springs allowed noise levels up to 57 dB(A) and higher in some cases—a seemingly modest 7 dB increase over the statewide 50 dB(A) nighttime residential limit. But because of the logarithmic nature of the scale, this 7 dB difference translates to roughly 5 times greater sound intensity (with each ~3 dB roughly doubling intensity) and is perceived as

significantly louder—closer to twice as loud or more to the human ear—turning a quiet residential night into one filled with intrusive, disruptive sound that invades homes and erodes quality of life.

As someone who lives about 1.4 miles from the Ford Amphitheater, I have experienced these impacts firsthand. During concerts, the noise is so intense that my windows literally shake, and families and property owners in the neighborhood—including my own—are unable to even converse normally on our patios during summer weekend evenings. This is something property owners have long cherished: the simple quiet enjoyment of outdoor spaces in our own backyards without being drowned out or physically rattled by commercial sound levels that carry far beyond the venue. Our neighborhood, as are most nearby neighborhoods, was established as a residential area, predating the amphitheater by decades. The venue only broke ground in 2023 and opened in 2024. This sequence makes nuisance claims especially valid, as residents did not "come to the nuisance"—the nuisance came to us, without any prior notice in our property deeds or expectation of such intrusion. In stark contrast, neighbors have long been patient and accepting of the extensive daytime air traffic noise from the nearby U.S. Air Force Academy airfield, which predictably ends when the sun goes down and for which our property deeds include explicit notices or avigation easements providing fair warning and established compatibility. Residents also accept that noise because it is in training the next generation of Air Force pilots and leaders in defense of our nation. No comparable notice exists for the amphitheater's frequent nighttime concerts and no benefit accrues for residents—only profits for the venue owner and promoter and tax revenue for the City. Weekend concerts last until 11:00 pm. Hundreds of similar complaints from neighbors have been documented and thousands more have gone unreported because of the perceived futility of big entertainment colluding with local government for profits and tax revenue.

SB26-098 appears driven by special interests in the entertainment industry—venue owners like JW Roth, the owner of the Ford Amphitheater, promoters such as the Anschutz-affiliated AXS, and other affiliated businesses—who stand to gain financially from louder, more frequent events without the constraint of enforceable statewide limits. Local officials have touted projected economic benefits, as highlighted on Colorado Springs's own Ford Amphitheater project page, which claims the venue will generate \$102 million in annual economic impact (with implied tax revenue and visitor spending benefits). Officials may also be influenced by personal financial investments—at least one former Colorado Springs City Council member had disclosed a personal investment in the Ford Amphitheater. That Council member resigned just days ago after a recall petition secured adequate signatures in large part because of this glaring conflict of interest. As one example of how local public officials have sacrificed citizen property rights for tax revenue, the current Mayor of Colorado Springs, Yemi Mobolade, has issued blanket waivers in the form of noise hardship permits to local noise limits for the Ford

Amphitheater, effectively allowing unchecked exceedances without broader accountability. Moreover, there is no real-time noise control during shows; while data is collected via monitoring stations, it is owned and controlled by the amphitheater itself, raising concerns about transparency and the accuracy of reported levels in quieter neighborhoods.

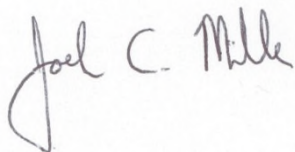
This is not true local control; it is a rollback that creates a patchwork system favoring big entertainment over everyday homeowners and residents. Granting such "local control" to governments would sanction—under the guise of increased revenue—the administrative taking of private property rights in contravention of the Fifth Amendment of the US Constitution. This bill would hand venue operators a "blank check" for unlimited noise, eroding the uniform protections that have safeguarded communities statewide for over 50 years through multiple state governments spanning both major political parties.

We do not need to weaken these laws to support economic activity. Venues can and should invest in better sound engineering, directional speakers, earlier curfews, fewer high-volume events, and live, active management of noise levels. True community benefit does not require sacrificing the well-being and property rights of residents.

I strongly urge this committee to vote no on SB26-098. Preserve the Noise Abatement Act and the *Hobbs* decision's protections for residents like me and thousands of other Coloradans who simply want to maintain the right of quiet enjoyment of our homes without being overpowered by commercial noise pollution, sanctioned by local governments' desire for tax revenue.

Thank you for your time and consideration. Please vote NO on SB26-098.

Respectfully,

A handwritten signature in black ink that reads "Joel C. Miller". The signature is written in a cursive style with a large, looping initial "J".

Joel C. Miller

Former Colorado Springs District 2 Council member

Attorney at Law

Dear Governor Polis ,

As an introduction, my name is Murray Relf and this letter is to ask for your consideration & assistance in a Colorado Springs issue that I and many other citizens have been attempting to address at the municipal level for the last 1.5 y.

The matter at hand is noise pollution from the Ford Amphitheater and its' disruptive impact on surrounding communities .

We moved to CS in 2022 only to then discover a year later that an outdoor amphitheater concert venue was to be built 1 mile from our house . After many generally futile public speaking events at CS city council & letters of complaint , we decided to sell our house & relocate to Monument- about 4 miles from the theater . We can still hear the theater 4 miles away outside , but generally not indoors . A number of our old neighbors have also been forced to move because of intrusive noise from the Ford Amphitheater which can be heard indoors .

Many irregularities existed in the PUD approval information provided to the city by the theater and many irregularities currently exist in the monitoring compliance plan currently in place . We are attempting to address these issues with the mayor's office by use of the CO state noise abatement statute and the recent Colorado Supreme Court opinion (Salida v Hobbs) which unanimously upheld the state noise statute as the uniform law for Colorado . In the first 2 seasons of its' operation , the theater commonly exceeded the applicable residential permissible noise limit as set forth in both CS municipal code & the state noise abatement statute.

It is with great concern that we are hearing rumors of various entities currently preparing introduction of state legislation to weaken the state noise abatement statute such that the theater could continue unfettered operation creating noise emissions which raise community sound levels well above existing law. In other words , if you can't comply with the law then weaken or eliminate the law . It is no different than raising the speed limit in an area to " solve " a speeding problem . If the speed limit in a community is raised to 70 mph , then one could misleadingly state that neighborhood speeding is no longer an issue .

I would like to ask you to support the maintenance of the state noise abatement statute in its current form . The law was designed with the intent to protect state citizens from precisely such interest groups that care little for the livability & quality of life of our communities.

I would also like to ask for the opportunity to meet with you or your representative at your convenience to allow me to explain the issue in more detail .

To close , I thought these 3 quotes were apropos :



Audio Engineering Society, Inc.
551 Fifth Avenue, Suite 1225
New York
NY 10179
USA

Tel: +1 212 661 2355. Email: hq@aes.org. Internet: <http://www.aes.org>

" ... it it should be stressed that one person's music is likely to be another person's noise. Diminishing attention to audience safety and community well-being on account of a supposed greater social value of live music is a counterproductive and dangerous stance to take."

"Turning to members of the local community, there is clear motivation for ensuring regulations are fit for purpose. Residents living near a large outdoor event effectively have no control over the noise emitted from such an event, aside from the ability to raise a complaint. It is necessary, then, to ensure noise control and monitoring procedures are as effective and realistic as possible (but not overly-restrictive) to ensure such individuals don't have an unwanted intrusion affecting their quality of life. "

" Every American has the duty to obey the law and the right to expect that the law will be enforced ",

Robert F. Kennedy

Please help us protect our homes and communities by maintaining the CO Noise Abatement Act as it currently stands . It is our only possible means to attempt to protect the quality of life in our communities from the disruptive impact of noise pollution from Ford amphitheater .

Thank you ,

Murray Relf , M.D.

Sent from my iPhone