

CHAPTER 7 NOISE LEVEL REGULATIONS

SECTION:

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8-7-1 MOTOR VEHICLE NOISE PERFORMANCE STANDARDS:

The City Council of the City hereby adopts Washington Administrative Code Sections 173-62-020, 173-62-030, and 173-62-040.

8-7-2 MAXIMUM ENVIRONMENTAL NOISE LEVELS:

The City Council of the City hereby adopts by reference Washington Administrative Code Sections 173-60-020, 173-60-040, 173-60-050, and 173-60-090.

8-7-3 PUBLIC DISTURBANCE, NOISES:

It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow to originate from the property, unreasonable noise that disturbs another. Noises constituting a public nuisance shall include, but shall not be limited to, the following sounds or combinations of sounds: (Ord. 5196, 2-13-06)

A. Frequent, repetitive or continuous noises made by any animal which unreasonably disturbs or interferes with the peace, comfort or repose of property owners or possessors, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed as such, shall be exempt from this subsection.

B. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger, or as specifically permitted or required by law.

C. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine, within a rural or residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property.

Exception: Sounds created by portable generators during periods when there is no electrical

service available from the primary supplier due to natural disaster or power outage shall not be a violation of this Section. (Ord. 5091, 8-9-04)

D. The use of a sound amplifier or other device capable of producing, or reproducing amplified sound upon public streets for the purpose of commercial advertising, or sales, or for charging the attention of the public to any vehicle, structure or property of the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection.

E. The making of any loud and raucous sound within one thousand feet (1,000') of any school, hospital, sanitarium, nursing or convalescent center.

F. The creation by use of a musical instrument, whistle, sound amplifier, record player, stereo, or other device capable of producing or reproducing sound of loud or raucous sounds which emanate frequently, repetitively, or continuously from any building, structure or property located within a rural or residential district, such as sounds originating from a band session, social gathering, stereo.

G. The amplified or unamplified human voice which unreasonably interferes with the peace, comfort and repose of property owners or possessors. (Ord. 3478, 11-3-80)

H. Any sound from a motor vehicle audio system or portable audio equipment such as a radio, tape player or compact disc player which is operated at such a volume that it interferes with conversation or which causes vibrations to be felt from a distance of seventy five feet (75') or more from the source of the sound. (Ord. 4301, 12-17-90)

8-7-4 DESIGNATION OF ZONED AREAS:

The EDNA (environmental designation for noise abatement) is hereby established as follows:

A. Residential zones, which shall include RC, R-1, R-4, R-6, R-8, R-10, R-14, RMF, RMH, are classified as Class A EDNA.

B. Commercial zones, which shall include CN, CD, CV, CA, CO, COR, UC, are classified as Class B EDNA.

C. Industrial zones, which shall include IL, IM, IH, are classified as Class C EDNA. (Ord. 3478, 11-3-80; Ord. 5450, 3-2-09; Ord. 5759, 6-22-2015)

8-7-5 PENALTIES FOR VIOLATION:

Except as otherwise provided, any violation of this Chapter shall be a civil violation subject to RMC 1-3-2. The penalties set forth herein shall not be deemed exclusive; the City may obtain an injunction against such violation from the Superior Court of King County. Any ordinance of the City inconsistent with any portions of this Chapter is repealed except that any ordinance defining noise as a nuisance shall remain in full force and effect. (Ord. 5551, 9-13-10)

8-7-6 CONTENT NOT GOVERNING SOUND:

The content of the sound will not be considered in determining a violation of this Chapter.

8-7-7 SEVERABILITY:

These regulations are declared to be severable. If any section, subsection, paragraph, clause or other portion is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions. If any section, subsection, paragraph, clause or any portion is adjudged invalid or unconstitutional, or is applied to a particular person or use, the application of such portion to other persons or use shall not be affected. (Ord. 4301, 12-17-90)

8-7-8 VARIANCES AND APPEAL:

A. Jurisdiction: The Community and Economic Development Administrator, or his/her designee, shall hear and decide requests for variances from the requirements of this Chapter that do not require a public hearing. The Hearing Examiner shall hear and decide requests for variances from the requirements of this Chapter that require a public hearing.

B. Application: Parties seeking a variance from this Chapter, or a duly authorized representative of the parties seeking the variance, shall file an application for the variance, which application shall set forth fully the grounds therefor and the facts the applicant deems material to justify the granting of such a variance. The applicant for a noise variance must be the owner or jurisdiction in charge of the project. In no cases shall the applicant for the noise variance be the contractor for the construction project.

C. Public Notice and Hearing: A public hearing shall be required for all noise variances which are greater than two (2) days in duration. For those variance requests of two (2) days or less in duration, the variance decision shall be made by the Administrator or his/her designee following the public notice process. If required, the hearing for a noise variance shall be a public hearing, the date of which shall be not more than forty-five (45) days from the date of filing and acceptance of the application for the variance. Notice of the time and place of public hearing shall be given in at least one (1) publication in the City's legal newspaper, which publication shall be not less than ten (10) days prior to the date of said public hearing. In addition, three (3) written notices of such public hearing shall be posted at least ten (10) days prior to such hearing within, on or about the location which will generate such noise. Additionally, written notice of the hearing shall be given to any resident or property owner that will experience an increase in noise, or potentially have an increase in noise, such that this variance will increase the quantity of noise received by that property owner or resident. The burden of providing this written notice shall be upon the applicant. The decision maker shall not consider any variance for which written notices have not been given, or grant any variance that would cause an increase in noise levels beyond that permitted in this Chapter unless the affected property owner or resident has been notified.

D. Factors For Granting Variance: The decision maker, in passing upon an application for a variance, shall consider all technical evaluations, all relevant factors and standards specified in other sections of this Chapter, and in addition thereto shall consider the following, none of which is mandatory for the granting of the variance:

1. That the applicant suffers practical difficulties and unnecessary hardship and the variance is necessary because of special circumstances applicable to the applicant's

property or project, and that the strict application of this Chapter will deprive the subject property owner or applicant of rights and privileges enjoyed by others.

2. That the granting of the variance will not be materially detrimental to the public health, welfare or safety, or unduly injurious to the property or improvements in the vicinity of the location for which this variance is sought.
3. That the variance sought is the minimum variance which will accomplish the desired purpose.
4. That the variance contains such conditions deemed to be necessary to limit the impact of the variance on the residence or property owners impacted by the variance. The variance approval may be subject to conditions including, but not limited to, the following:
 - a. Implementation of a noise monitoring program;
 - b. Maximum noise levels;
 - c. Limitation on types of equipment and use of particular equipment;
 - d. Limitation on back-up beepers for equipment;
 - e. Required use of noise shields or barriers;
 - f. Restrictions to specific times and days;
 - g. Specific requirements for documentation of compliance with the noise variance conditions;
 - h. Specific requirements for notification to nearby residents;
 - i. Required cash security to pay for inspection services to verify compliance;
 - j. Required access to the project by the City to verify compliance with the noise variance conditions;
 - k. Specific program to allow for temporary hotel vouchers to effected residents;
 - l. Requirements for written verification that all workers understand the noise variance conditions for the project; and
 - m. Provision allowing the City to immediately revoke the variance approval if the variance conditions are violated.
5. The importance of the services provided by the facility creating the noise and the other impacts caused to the public safety, health and welfare balanced against the harm to be suffered by residents or property owners receiving the increased noise permitted under this variance.
6. The availability of practicable alternative locations or methods for the proposed use

which will generate the noise.

7. The extent by which the prescribed noise limitations will be exceeded by the variance and the extent and duration of the variance.

E. Findings and Conclusions of the Decision Maker: The decision maker shall reduce his or her decision to written findings, conclusions and a decision. The written findings, conclusions and decision shall include a section noting the right of appeal from the decision to the City Council.

F. Appeals: Any party participating in the public hearing feeling aggrieved by the decision of the Hearing Examiner may appeal the decision to the City Council within fourteen (14) calendar days of the decision. The appeal document shall note the errors in findings or conclusions which the appellant believes are material to the appeal. The City Council shall consider the appeal and shall affirm the decision of the Hearing Examiner unless the City Council finds that there are material errors in the findings or conclusions, or that the decision is not supportable by the findings and conclusions. If the City Council finds such errors it shall reduce its decision to writing specifying the findings and conclusions that are in error or stating that the decision is not supportable by the findings and conclusions. Any party remaining aggrieved by the decision of the City Council may further appeal to the King County Superior Court within twenty-one (21) calendar days from the date of the City Council's decision. (Ord. 4330, 10-28-91; Ord. 5156, 9-26-05; Ord. 5551, 9-13-10; Ord. 5749, 1-12-15)