

**Chapter 8.05**  
**NOISE CONTROL\***

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\***Cross reference(s)** – Outdoor musical entertainment and rock festivals, ch. 4.05; environmental policy, ch. 11.03; performance standards, § 15.08.050.

**State law reference(s)** – Noise control, RCW 70.107.010 et seq.

**8.05.010 Title.**

This chapter may be cited as the “Noise Control Ordinance of Kent.”

(Ord. No. 2113, § 1.1. Formerly Code 1986, § 9.20.04)

**8.05.020 Scope.**

Except as provided in KCC 9.02.36, disorderly conduct, this chapter shall apply to the control of all sound originating from sources located within the limits of the city, including but not limited to, commercial and industrial noise.

(Ord. No. 2113, § 1.2; Ord. No. 2954, § 1, 12-5-90; Ord. No. 3133, § 3, 9-7-93. Formerly Code 1986, § 9.20.08)

**8.05.030 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Background sound level* means the level of all sounds in a given environment, independent of the specific source being measured.

*dBA* means the sound pressure level in decibels measured using the “A” weighting network on a sound level meter.

*EDNA* means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

*Emergency machinery and work* means machinery and work necessary to restore property to a safe condition following a public calamity, or machinery and work required to protect persons or property from an imminent exposure to danger.

*Impulse sound* means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one (1) second, as measured on a peak unweighted sound level meter.

*Noise* means the intensity, duration and character of sounds, from any and all sources.

*Person* means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

*Property boundary* means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one (1) or more persons, from that owned, rented or leased by one or more other persons, and its vertical extension.

*Public nuisance noise* means any unreasonable sound which either annoys, injures, interferes with or endangers the comfort, repose, health or safety of an entire neighborhood or community, although the extent of damage may be unequal.

*Receiving property* means real property at the boundaries of which the maximum permissible noise levels specified in this chapter shall not be exceeded from sources outside such property.

*Sound level meter* means a device which measures sound pressure levels and conforms to type 1 or type 2 as specified in the American National Standards Institute publication section 1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the type 1 or type 2 specifications of ANSI 1.4-1971.

(Ord. No. 2113, § 1.3; Ord. No. 2954, § 2, 12-5-90. Formerly Code 1986, § 9.20.12)

**Cross reference(s)** – Definitions and rules of construction generally, § 1.01.030.

#### **8.05.040 State enabling legislation.**

This chapter is in conformance with Chapter 70.107 RCW, Noise Control, and Chapter 173-58 WAC, Sound Level Measurement Procedures.

(Ord. No. 2113, § 1.4; Ord. No. 2954, § 3, 12-5-90. Formerly Code 1986, § 9.20.16)

#### **8.05.050 Noise control office (NCO) – Program development.**

The building department shall be designated the noise control office for coordination of the sound level measurement aspects and enforcement of all sections of this chapter, and for the general purpose of sound and vibration abatement and control.

(Ord. No. 2113, § 1.6; Ord. No. 2954, § 5, 12-5-90; Ord. No. 3133, § 4, 9-7-93. Formerly Code 1986, § 9.20.24)

#### **8.05.060 Same – Responsibilities and powers.**

The responsibilities and powers of the noise control office shall be as follows:

1. The issuance of warnings, abatement notices, and citations of violation on the abatement and control of noise.
2. The granting of time extensions according to procedures specified in KCC 8.05.240.
3. The reviewing of any permit, license, variance, zone change, or proposed land use which may be subject to review by city personnel, wherein noise disturbances may be a factor, to insure compliance with the intent and provisions of this chapter.
4. Coordinate the noise control activities of all municipal departments and work with appropriate municipal, county, state, and federal agencies to implement the purposes of this chapter and, where appropriate, enter into contracts with the approval of the city council for the procurement of technical and enforcement services.

(Ord. No. 2113, § 1.7; Ord. No. 2954, § 6, 12-5-90. Formerly Code 1986, § 9.20.28)

**8.05.070 Environmental designations for noise abatement.**

Environmental designations for noise abatement (EDNA) are declared. They are based primarily on the zoning code, but also take into consideration the past, present, and future usage, as well as the usage of adjacent and other lands in the vicinity. Designation of such EDNA is based on the following typical uses:

1. Class A EDNA are lands where human beings reside and sleep. Typically, class A EDNA will be the following types of property used for human habitation:
  - a. Residential.
  - b. Multifamily living accommodations.
  - c. Recreation and entertainment (e.g., camps, parks, camping facilities, and resorts).
  - d. Community service (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities).
2. Class B EDNA are lands involving uses requiring protection against noise interference with speech. Typically, class B EDNA will be the following types of property:
  - a. Commercial living accommodations.
  - b. Commercial dining establishments.
  - c. Motor vehicle services.
  - d. Retail services.
  - e. Banks and office buildings.
  - f. Miscellaneous commercial services, property not used for human habitation.
  - g. Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds and amusement parks).
  - h. Community services (e.g., education, religious, governmental, cultural and recreational facilities).
3. Class C EDNA are lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Typically class C EDNA will be the following types of property:
  - a. Storage, warehouse, and distribution facilities.
  - b. Industrial property used for the production and fabrication of durable and nondurable manmade goods.

c. Agricultural and silvicultural property used for the production of crops, wood products or livestock.

(Ord. No. 2113, § 3.1; Ord. No. 2954, § 9, 12-5-90. Formerly Code 1986, § 9.20.40)

**Cross reference(s)** – Zoning districts, § 15.03.010.

**8.05.080 Zoning classification for EDNA.**

The following land use zoning classifications as found in the zoning code are assigned the EDNA classification below:

<i>Zone</i>	<i>EDNA</i>
RA, R1, MR-D, MR-M, MR-H, MR-G, MHP, PUD	Class A
O, NCC, CC, DC, HC, GC, CM	Class B
MA, M1, M2, M3, SU (Extractive industries)	Class C

(Ord. No. 2954, § 10, 12-5-90. Formerly Code 1986, § 9.20.44)

**8.05.090 Maximum permissible environmental noise levels.**

No person shall cause or permit noise to intrude into the property of another person, which noise exceeds the maximum permissible noise levels set forth below in this section, with the point of measurement being at any point within the receiving property. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this chapter are applied.

**TABLE I**  
**Maximum Permissible Environmental Noise Levels**

<i>EDNA of noise source</i>	<i>EDNA of receiving property</i>		
	<i>Class A</i>	<i>Class B</i>	<i>Class C</i>
<b>Class A</b>	55 dBA	57 dBA	60 dBA
<b>Class B</b>	57 dBA	60 dBA	65 dBA
<b>Class C</b>	60 dBA	65 dBA	70 dBA

(Ord. No. 2113, § 4.1; Ord. No. 2954, § 11, 12-5-90. Formerly Code 1986, § 9.20.48)

**8.05.100 Deviations.**

The following deviations from the maximum permissible noise levels are permitted:

1. Between the hours of 10:00 p.m. and 7:00 a.m., the noise limitations of Table I shall be reduced by ten (10) dBA for receiving property within class A EDNA.
2. At any hour of the day or night the applicable noise limitations in Table I and in subsection (1) above may be exceeded for any receiving property by no more than:
  - a. Five (5) dBA for a total of fifteen (15) minutes in any one (1) hour period;
  - b. Ten (10) dBA for a total of five (5) minutes in any one (1) hour period; or
  - c. Fifteen (15) dBA for a total of one and one-half (1.5) minutes in any one (1) hour period.

(Ord. No. 2113, § 4.2; Ord. No. 2954, § 12, 12-5-90. Formerly Code 1986, § 9.20.52)

**8.05.110 Daytime exemption.**

The following shall be exempt from the provisions of KCC 8.05.090 between the hours of 7:00 a.m. and 10:00 p.m.:

1. Sound originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.
2. Sounds created by the discharge of firearms on authorized shooting ranges.
3. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible.
4. Sounds created by the installation or repair of essential utility services.
5. Sounds created by blasting.

(Ord. No. 2113, § 4.3; Ord. No. 2954, § 13, 12-5-90. Formerly Code 1986, § 9.20.56)

**8.05.120 Nighttime exemption.**

The following shall be exempt from the provisions of KCC 8.05.090:

1. Noise from electrical substations and existing, stationary equipment used in the conveyance of water by a utility.
2. Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three (3) years, have consistently operated in excess of fifteen (15) hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this provision, require approval of the noise control office.

(Ord. No. 2113, § 4.4; Ord. No. 2954, § 14, 12-5-90. Formerly Code 1986, § 9.20.60)

**8.05.130 Exemptions other than residential.**

The following shall be exempt from the provisions of KCC 8.05.090, except insofar as such provisions related to the reception of noise within class A EDNA between the hours of 10:00 p.m. and 7:00 a.m.: sounds originating from forest harvesting and silvicultural activity.

(Ord. No. 2113, § 4.5; Ord. No. 2954, § 15, 12-5-90. Formerly Code 1986, § 9.20.64)

**8.05.140 Other exemptions.**

The following shall be exempt from all provisions of KCC 8.05.090:

1. Sound created by the normal operation of motor vehicles upon a public right-of-way.
2. Sound originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
3. Sounds created by surface carriers engaged in interstate commerce by railroad.
4. Sounds created by warning devices not operating continuously for more than five (5) minutes, or bells, chimes, and carillons.
5. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community.
7. Sounds originating from motor vehicles racing events at existing, authorized facilities.
8. Sounds originating from officially sanctioned parades and other public events.

9. Sounds emitted from petroleum refinery boilers during startup of such boilers; provided, that the startup operation is performed during daytime hours whenever possible.

10. Sounds caused by natural phenomena and unamplified human voices.

11. Sounds created by watercraft.

12. Sounds caused by motor vehicles, licensed or unlicensed, when operated off public highways, except when such sounds are received in class A EDNA.

13. Sounds originating from natural gas transmission and distribution facilities installed prior to September 1, 1975, shall be exempt from all provisions of this chapter until the Department of Ecology amends Chapter 173-60 WAC. The noise control office shall make recommendations to the city council concerning this exemption after the Department of Ecology completes its action.

(Ord. No. 2113, § 4.6; Ord. No. 2954, § 16, 12-5-90. Formerly Code 1986, § 9.20.68)

**8.05.150 Emergency exemption.**

Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity, shall not be subject to the provisions of this chapter.

(Ord. No. 2113, § 5.1; Ord. No. 2954, § 17, 12-5-90. Formerly Code 1986, § 9.20.72)

**8.05.160 Exempted sources.**

No sound source specifically exempted from a maximum permissible sound level or permitted under this chapter shall be a public nuisance noise or public disturbance noise, as provided in KCC 9.02.36, insofar as the particular source is exempted.

(Ord. No. 2113, § 5.2; Ord. No. 2954, § 18, 12-5-90; Ord. No. 3133, § 5, 9-7-93. Formerly Code 1986, § 9.20.76)

**8.05.170 Variances.**

A. *Generally.* The noise control office shall have the authority to grant a variance where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this noise control code might result from the strict application of its provisions.

B. *Application.* The property owner or his agent may make application to the noise control office for a variance on forms provided by that office.

C. *Public hearing.* The noise control office shall hold a public hearing on any proposed variance and shall give notice thereof by one (1) publication in the city's official newspaper at least ten (10) days prior to the hearing. Notice shall be given to all property owners within a radius of at least two hundred (200) feet of the subject property's boundaries, and, when determined by the noise control office, a greater distance of the exterior boundaries of the subject property.

D. *Conditions for granting variances.* Before any variance may be granted, it shall be shown and the noise control office shall find:

1. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the subject property is located;
2. That such variance is necessary, because of special circumstances relative to size, topography, location or surroundings of the subject property to provide it with the rights and privileges enjoyed by other property owners in the vicinity and in the zone in which the property is located; and
3. That the granting of the variance will not be materially detrimental to the comfort, repose, health or safety of the public.

E. *Noise control office action and validity.* The decision of the noise control office shall be final and conclusive. Any variance authorized by the noise control office shall expire by limitation if the use necessitating the variance is not begun within one (1) year of authorization or if the use is discontinued, suspended or abandoned for any one (1) year period.

(Ord. No. 2113, § 5.2; Ord. No. 2954, § 19, 12-5-90. Formerly Code 1986, § 9.20.76)

**8.05.180 Public nuisance noises prohibited.**

Pursuant to the complaint notice and letter of violation procedure set forth in KCC 8.05.200 through 8.05.250, the noise control office may determine that a sound constitutes a public nuisance noise as defined in this chapter. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, any sound which has been determined a public nuisance noise.

(Ord. No. 2954, § 20, 12-5-90)

**8.05.190 Enforcement.**

A. Unless provided otherwise by this chapter, the building department noise control office shall have the responsibility for enforcing this chapter. The specific provisions of this chapter which describe the noise control office's methods for obtaining compliance with the noise standards set forth herein, such as KCC 8.05.180 and 8.05.200 through 8.05.250, are related to the civil enforcement process and shall not be applicable to any criminal enforcement action initiated by the chief of police.

B. Where appropriate and necessary for the enforcement of this chapter, the noise control office may request the assistance of the noise control office of the Seattle-King County health department and the city attorney.

(Ord. No. 2954, § 21, 12-5-90; Ord. No. 3133, § 6, 9-7-93)

**8.05.200 Complaints regarding violations.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the building department noise control office. The noise control office shall properly record such complaint, immediately investigate, and take any necessary action thereon as provided by this chapter.

(Ord. No. 2113, § 6.1; Ord. No. 2954, § 22, 12-5-90. Formerly Code 1986, § 9.20.84)

**8.05.210 Right of entry.**

A. Upon presentation of the proper credentials, the noise control office, with the consent of the occupant, or with the consent of the owner of any unoccupied building, structure, property or portion thereof, or pursuant to a lawfully issued warrant, may enter at all reasonable times, any building, structure, property or portion thereof to inspect the same whenever necessary to make an inspection to enforce or determine compliance with the provisions of this chapter over which the noise control office has enforcement responsibility or whenever the noise control office has cause to believe that a violation of any provision of this chapter other than KCC 8.05.080 or 8.05.090 has been or is being committed.

B. If the building, structure, property or portion thereof is unoccupied, the noise control office shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the noise control office is unable to locate the owner or such other persons and has reason to believe that conditions therein create an immediate and irreparable health hazard, then the noise control office shall make entry.

(Ord. No. 2954, § 23, 12-5-90)

**8.05.220 Notice and order.**

A. Unless provided otherwise by this chapter, whenever the noise control office has reason to believe that a maximum permissible sound level of KCC 8.05.090 is being exceeded, that a public nuisance noise is being emitted, or when a complaint as described in KCC 8.05.200 has been filed and investigated, the noise control office may

serve a written notice and order directed to the owner of the property, person responsible for the property or operator of the source in the manner directed in KCC 8.05.230.

B. The notice shall contain a brief and concise description of the conditions alleged to be in violation or to be a public nuisance noise, the provision of this chapter alleged to have been violated, the sound level readings, if taken, including the time and place of their recording.

C. The order shall contain a statement of the corrective action required and shall specify a reasonable time within which the action must be accomplished.

(Ord. No. 2954, § 24, 12-5-90)

**8.05.230 Method of service.**

A. Service of the notice and order shall be made upon the person named in the notice and order either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested, to the person at his last known address. Such service by certified mail shall be effective on the date of mailing. If the whereabouts of the person are unknown and cannot be ascertained by the noise control office in the exercise of reasonable diligence, the noise control office shall make affidavit to that effect.

B. If the person cannot be notified by mail, the service of the notice and order upon the person may be made by publication once each week for two (2) consecutive weeks in the city's official newspaper.

C. The failure of any such person to receive the notice and order shall not affect the validity of any proceedings taken under this chapter.

(Ord. No. 2954, § 25, 12-5-90)

**8.05.240 Extensions for compliance.**

A. Upon good cause shown by the owner or operator of any noise source reviewed and measured under KCC 8.05.090, the building department (noise control office) shall have the power to grant an extension from the operation of this chapter in order to allow sufficient time for installation of needed control equipment, facilities, or modifications to achieve compliance not to exceed thirty (30) days. Such extension may be renewed for an additional like period, but only if satisfactory progress toward compliance is shown.

B. Any person seeking an extension shall file a petition with the noise control office. Any such request for an extension must be received in the noise control office at least five (5) working days prior to the date set for compliance in KCC 8.05.220(C).

C. In granting or denying an extension of the date set for compliance, the noise control office shall file a written order, stating the facts and reasons leading to the decision.

(Ord. No. 2113, § 5.3; Ord. No. 2954, § 26, 12-5-90. Formerly Code 1986, § 9.20.80)

**8.05.250 Abatement notice.**

After a notice and order has been served as provided in KCC 8.05.220 and 8.05.240 and no request for an extension in the date set for compliance has been received by the noise control office within the time frames set in KCC 8.05.240, the noise control office shall issue an abatement notice. The abatement notice shall be served upon the same persons and in the same manner as provided in the notice and order, KCC 8.05.220. An abatement notice shall be final, and shall serve as the noise control office's notice to the violator that the matter has been referred to the city attorney's office to seek abatement and penalties through legal process.

(Ord. No. 2954, § 28, 12-5-90)

**8.05.260, 8.05.270. Reserved.**

**Editor's note** – Ord. No. 3133, §§ 7 and 8, adopted Sept. 7, 1993, repealed former §§ 8.05.260 and 8.05.270, which pertained to public disturbance noises and public disturbance noise from portable, or motor vehicle audio equipment.



**8.05.280 Punishment.**

A. Conduct made unlawful under KCC 8.05.090 through 8.05.250 of this chapter shall subject the violator to a civil fine of two hundred fifty dollars (\$250). This fine shall be cumulative, and each day such offense continues shall constitute a separate violation.

B. Five (5) separate subsequent offenses by the same violator of the provisions contained in KCC 8.05.090 through 8.05.250 within a five (5) year period of time shall also constitute a misdemeanor, and may be punished by the criminal penalties described in KCC 1.01.140 and/or a penalty in addition to the civil fine of two hundred fifty dollars (\$250) for the initial act of violation, and two hundred fifty dollars (\$250) per day thereafter until the violation is discontinued.

C. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2113, § 6.2; Ord. No. 2954, § 31, 12-5-90; Ord. No. 3133, § 9, 9-7-93. Formerly Code 1986, § 9.20.88)