

CHAPTER 9.52

NOISE

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9.52.010: Control of Unnecessary Noise - Findings and Declarations of Necessity: The making, creation, or maintenance of excessive, unnecessary, or unusually loud noises which are prolonged or unusual in their time, place, use or effect are a detriment to the public health, comfort, convenience, safety, welfare, and the prosperity of the people of the City. This Chapter is for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity, and the peace and quiet of the City and its inhabitants. (Ord. 3060 Sec. 3 (part), 1987; Ord. 2089 Sec. 2 (part), 1977)

9.52.020: Definitions: Words and phrases have their ordinary meaning and conform with the applicable publications of the American National Standards Institute (ANSI), or its successor.

(1) “Background Sound Level” means the level of all sounds in a given environment, independent of the specific source being measured.

(2) “dBA” means the sound pressure level in decibels measured using the “A” weighing network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) “Environmental Designation for Noise Abatement” (EDNA) is an area or zone within which maximum permissible noise levels are established;

(4) “Noise” means the intensity, duration and character of sounds, from any and all sources.

(5) “Person” means any individual, partnership, association, firm syndicate, company, trust, corporation, department, bureau, or agency, or any other entity recognized by law as the subject of rights and duties.

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

(7) “Receiving Property” means real property at the boundaries of which the maximum permissible noise levels specified in this Chapter may not be exceeded from sources outside such property;

(8) “Sound-Level Meter” means a device which measures sound-pressure levels, and conforms to Type 1 or Type 2, as specified in the ANSI publication (S1.4 - 1971). (Ord. 3060 Sec. 3 (part), 1987; Ord. 2089 Sec. 2 (part), 1977)

9.52.030: Unnecessary Noises: Every person who shall make, continue, or cause to be made or continued, any unnecessary or unusual noise between the hours of 6:00 a.m. and 8:00 p.m. which either unreasonably annoys, injures, or endangers the comfort, repose, health or safety of others; and every person who shall, between the hours of 8:00 p.m. and 6:00 a.m. make or continue, or cause to be made or continued whether in the operation of any machine, or the exercise of any trade or calling, or otherwise any noise which either unreasonably annoys, injures or endangers the comfort, repose, health or safety of others, unless the making or continuing of the same be necessary to the protection or preservation of property, or of the health, safety, life or limb of some person, creates a nuisance and shall be guilty of a misdemeanor. (Ord. 5123 Sec. 1, 2006: Ord. 3060 Sec. 3 (part), 1987: Ord. 2385 Sec. 10, 1979)

9.52.050: Designation of Environments:

(1) Environmental Designations for Noise Abatement. Environmental designations for noise abatement (EDNA) are declared as follows:

- (a) Class A EDNA - Class A EDNA standards shall apply to all lands with the following zoning classifications:
 - (i) RS Residential Suburban;
 - (ii) RL Residential Low Density;
 - (iii) RM Residential Medium Density;
 - (iv) RH Residential High Density;
 - (v) RMH Residential Mobile Home;
 - (vi) RTP Residential Mobile Home/Trailer Park;
 - (vii) PF Public Facility;
 - (viii) OS Open Space.
- (b) Class B EDNA - Class B EDNA standards shall apply to all lands with the following zoning classifications:
 - (i) CN Commercial Neighborhood,
 - (ii) CC Commercial Community,
 - (iii) CR Commercial Regional,
 - (iv) CG Commercial General,
 - (v) CM Commercial Marina,
 - (vi) CO Commercial Office,
 - (vii) PF Public Facility;
- (c) Class C EDNA - Class C EDNA standards shall apply to all lands with the following zoning classifications:
 - (i) IP Industrial Park,
 - (ii) IL Industrial Light,
 - (iii) IH Industrial Heavy,
 - (iv) A Agricultural,
 - (v) PF Public Facility.
- (d) Public Facility zones shall be classed in accord with the activities conducted thereon. E.g. Schools or parks Class A, City Hall Class B, Sewer Plant Class C. (Ord. 3060 Sec. 3 (part), 1987: Ord. 2089 Sec. 2 (part), 1977)

9.52.060: Noise Levels by Land Use:

(1) Maximum Permissible Environmental Noise Level. No person may cause or permit noise to intrude into the property of another which exceeds the maximum permissible noise level set forth in this Section. The point of measurement is the property boundary of the

receiving property, or anywhere within. The noise limitations established are as set forth in the following table, after any applicable adjustments provided for in this Section are applied:

Table I
Maximum Permissible Environmental Noise Levels

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57 dBA	60 dBA	65 dBA
Class C	60 dBA	65 dBA	70 dBA

(2) Deviations. The following deviations from the maximum noise levels are permitted:

(a) Between the hours of 8:00 p.m. and 6:00 a.m., the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNA's;

(b) At any hour of the day or night, the applicable noise limitations in Table 1, and the nighttime restrictions in this subsection, may be exceeded for any receiving property by no more than;

(i) 5 dBA for a total of 15 minutes in any one-hour period; or

(ii) 10 dBA for a total of five minutes in any one-hour period; or

(iii) 15 dBA for a total of one and one-half minutes in any one-hour period.

(3) Daytime Exemption. The following shall be exempt from the provisions of subsection (1) above between the hours of 6:00 a.m. and 8:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances;

(b) Sounds created by the discharge of firearms on authorized shooting ranges;

(c) Sounds created by blasting;

(d) 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;

(e) Sounds created by the installation or repair of essential utility services.

(4) Nighttime Exemption. The following shall be exempt from the provisions of subsection (2)(a):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water by a utility.

(b) Noise from existing industrial installations which exceed the standard contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity or demonstrated routine normal operation.

(5) Other Exemptions. The following shall be exempt from all provisions of Section (1):

(a) Sounds created by motor vehicles, when regulated by Section 11.36.120;

- (b) Sounds originating from aircraft in flight, and sounds that originate at airports which are directly related to flight operations;
- (c) Sounds created by surface carriers engaged in interstate commerce by railroad;
- (d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons;
- (e) Sounds created by safety and protective devices, where noise suppression would defeat the intent of the device, or is not economically feasible;
- (f) Sounds created by emergency equipment and work necessary in the interests of law enforcement, or for the health, safety, or welfare of the community;
- (g) Sounds originating from parades, races, sporting activities and similar public events;
- (h) Sounds from existing refrigeration equipment for the preservation of retail food goods;
- (i) Sounds created by watercraft regulated by Section 9.52.070;
- (j) Sounds caused by natural phenomena and unamplified human voices;
- (k) Sounds caused by motor vehicles, licensed or unlicensed, when operated off public highways, except when such sounds are received in class A EDNA's;
- (l) Sounds created by activities licensed under Chapter 6.47 of the Kennewick Municipal Code so long as operated in accord with any license issued thereunder;
- (m) Sounds created by activities conducted in City of Kennewick Parks pursuant to an Event Agreement so long as operated in accord with conditions of the Event Agreement.

(6) Portable Audio Equipment. No person may make or cause to be made any sound from portable audio equipment such as tape players, radios, and compact disc players, that is audible more than 50 feet from the source of the sound or audible upon property of another.

(7) Audio Systems. No person shall operate any audio equipment in such a fashion as to be audible more than 50 feet outside the boundaries of his property, nor in such a fashion that to make any sound audible off his property at a frequency below 138 Hz or that is otherwise amplified by a subwoofer. This subsection does not apply to activities licensed under Chapter 6.47 of the Kennewick Municipal Code so long as operated in accord with any permit issued thereunder. (Ord. 5561 Sec. 1, 2014; Ord. 5337 Sec. 1, 2011; Ord. 3755 Sec. 1, 1997; Ord. 3690 Sec. 2, 1996; Ord. 3185 Sec. 2, 1989; Ord. 3060 Sec. 3 (part), 1987; Ord. 2089 Sec. 2 (part), 1977)

9.52.070: Watercraft Noise Levels:

(1) Any watercraft operated on the waters of Washington State shall be equipped with a muffler which shall be maintained in proper working condition. Any of the following defects in the muffling system shall constitute a violation of this regulation:

- (a) The absence of a muffler;
- (b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
- (c) Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes;
- (d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

(2) No person shall operate any watercraft on the waters of Washington State in such a manner as to exceed the following maximum noise limits when measured at the shoreline or anywhere within a receiving property:

(a) At any hour of the day or night, the limit for any receiving property shall be 74 dBA;

(b) Between sunset and sunrise, the limit for a Class A EDNA receiving property shall be 64 dBA.

(3) Any watercraft operated on the waters of Washington State shall not exceed the following maximum noise limits when measured at a distance of not less than 50 feet from the closest point of the watercraft's hull according to procedures established in WAC 173-58-090, "watercraft sound level measurement procedure."

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 84 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

(4) Any watercraft operated on the waters of Washington State shall not exceed the following maximum noise limits when measured at a distance of 20 inches (0.5 meter) from the exhaust outlet according to procedures established in WAC 173-58-080, "close proximity exhaust system sound level measurement procedure." These standards shall not apply to exhaust systems which utilize the introduction of water to the exhaust gas flow, or systems which exhaust the gas directly into water.

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 98 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 96 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 94 dBA.

(5) No person shall sell or offer for sale a new watercraft which exceeds the following maximum noise limits when measured according to the procedures of the society of automotive engineer's recommended practice SAE-J34.

(a) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(b) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

(6) Exemptions.

(a) Normal docking, embarking, and water skier pick-up and drop-off operations of all watercraft shall be exempt from the provisions of this Section.

(b) The following sounds shall be exempt from all provisions of this Section.

(i) Sounds created by the operation of commercial, non-recreational watercraft. These commercial activities include, but are not limited to, tugboats, fishing boats, ferries, and vessels engaged in intrastate, interstate or international commerce.

(ii) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device.

(iii) Sounds created by a warning device not operating continuously for more than five minutes.

- (iv) Sounds created by emergency equipment for emergency work necessary in the interests of law enforcement or for the health, safety, and welfare of the community.
- (v) Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging, pile driving, operation of a marina, clam and oyster harvesting are exempt, however, such operations are not exempt from requirements of Sections 9.52.030 and 9.52.060.
- (c) The provisions of this Section shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, motorboats preparing for an officially sanctioned race or regatta are exempt if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.
- (d) Nothing in these exemptions is intended to preclude the enforcing or permitting authority from requiring installation of the best available noise abatement technology consistent with economic feasibility. (Ord. 3060 Sec. 3 (part), 1987)

9.52.080: Measurement: dBA levels shall be measured in accord with the rules for sound level measurement adopted by the Washington Department of Ecology, WAC 173-58 and WAC 204-56, as now or as hereafter amended. (Ord. 3060 Sec. 3 (part), 1987)

9.52.090: Penalties - Variances - Abatement:

- (1) Variances. The Hearing Examiner may grant permits for variances from the standards imposed by this Chapter. Variances may be effective for no more than one year.
- (2) Civil Penalties. The Chief of Police and Director of Planning may assess civil penalties of not less than \$25.00 nor more than \$500.00 per day against any person found to be in violation of this Chapter or Section 8.02.340. Before assessing the penalty, the violator shall be notified and afforded at least ten (10) days to correct the violation. The assessment may be in conjunction with abatement under Section 9.48.030 et seq., Chapter 9.44 or independently, in which case the provisions of Chapter 4.04 apply.
- (3) Any person who violates or fails to comply with any of the provisions of this Chapter, is guilty of a misdemeanor.
- (4) Abatement. As an additional remedy, the operation or maintenance of any noise source in violation of this Chapter is a public nuisance, and may be abated in accord with Chapter 9.48 or otherwise as provided by law. (Ord. 5322 Sec. 36, 2010: Ord. 3661 Sec. 2 (part), 1995: Ord. 3060 Sec. 3 (part), 1987: Ord. 2089 Sec. 2 (part), 1977)