

0046.90000
DLF/imm
9/1/98

ORDINANCE NO. 219

AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, AMENDING TITLE 8 OF THE
WOODINVILLE MUNICIPAL CODE TO ADOPT A NEW
CHAPTER 8.08 CONCERNING AND REGULATING NOISE,
ESTABLISHING NOISE NUISANCES, PENALTIES AND
ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is appropriate for the City in the exercise of its police power to regulate noise levels within the City and to provide an effective means of determining a violation;

NOW, THEREFORE, the City Council of the City of Woodinville, Washington do hereby ordain as follows:

Section 1. Title 8 of the Woodinville Municipal Code is hereby amended by adopting a new Chapter 8.08, entitled "Noise, Regulation", which chapter shall read as follows:

Chapter 8.08

NOISE, REGULATION

Sections:

- 8.08.010 Declaration of policy.
- 8.08.020 Definitions.
- 8.08.030 Identification of environments.
- 8.08.040 Maximum permissible environmental noise levels.
- 8.08.050 Exemptions.
- 8.08.060 Public nuisance and disturbance noises.
- 8.08.070 Citizen Complaints
- 8.08.080 Motor vehicle noise levels.
- 8.08.090 Variances.
- 8.08.100 Penalty for violation.

8.08.010 Declaration of policy. The City Council finds that inadequately controlled noise adversely affects the health, safety and welfare of the people, the value of property, and the quality of the environment. Therefore, it is hereby declared to be the policy of the City of Woodinville to minimize the exposure of citizens to the harmful, physiological and psychological effects of excessive noise. It is the express intent of the City to control the level of noise in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment.

8.08.020 Definitions. All technical terminology used in this chapter, not otherwise defined, shall be interpreted in conformance with Chapters 173-60 and 173-62 WAC. The following words and phrases shall have the meanings indicated below:

(1) "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.

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

(3) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(4) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(5) "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.

(6) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(7) "Sound level meter" means a device which measures sound pressure levels and conforms to Type I or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

8.08.030 Identification of environments.

1. Class A EDNA. Lands where human beings reside and sleep, including all properties in the city which are zoned and single-family residential or multiple-family residential classifications.

2. Class B EDNA. Lands involving uses requiring protection against noise interference with speech, including all properties in the city which are zoned in neighborhood business, community business, general commercial and freeway service classifications.

3. Class C EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the Department of Labor and Industries. Such areas shall include all properties in the city which are zoned in light industrial and general industrial classifications.

8.08.040 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 level set forth in WAC 173-60-040, which section is hereby adopted by reference, with all amendments thereto.

8.08.050 Exemptions. The exemptions to the maximum permissible environmental noise levels set forth in WAC 173-60-050 are hereby adopted by reference, with all amendments thereto.

8.08.060 Public nuisance and disturbance noises. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance. The following sources of sound are defined to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:

(1) Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with peace, comfort and repose of property owners or possessors, except that such sounds shall be exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics, during the hours between 6:00 a.m. and 10:00 p.m.;

(2) 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;

(3) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(4) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with peace, comfort and repose of owners or possessors of real property;

(5) The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except that vendors whose sole method of selling is from a moving, vehicle shall be exempt from this subsection;

(6) The making of any loud and raucous noise which unreasonably interferes with the use of any residential property, school, church, hospital, sanitarium, nursing or convalescent facility;

(7) Any sound made by the construction, excavation, repair, demolition, destruction, or alteration of any building or property or upon any building site anytime on Sundays and holidays and outside the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday, or, from Memorial Day to Labor Day, anytime on Sundays and holidays and outside the hours of 7:00 a.m. through 9:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday, excepting

(a) highway construction;

(b) sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds, and appurtenances between 8:00 a.m. and 10:00 p.m. any day of the week;

(c) Nothing herein shall be construed to limit or prohibit different or more restrictive hours for any work authorized under a development permit issued under any chapter of this Code as may be specified in any determining or decision issued under this Code.

(8) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property;

(9) Sound from motor vehicle audio systems, such as, but not limited to, tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source;

(10) Sound from audio equipment, such as, but not limited to, tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source; and

(11) The foregoing provisions shall not apply to regularly scheduled events at parks or stadiums, such as public address systems for baseball games or park concerts, or to community festivals or permitted parades.

8.08.070 Citizen Complaints. Whenever it is stated in writing by two or more persons having separate residences in a neighborhood that any person is violating any of the provisions of Section 8.08.060, the code enforcement officer shall advise the person originating the noise or owing or in possession of the property from which the noise originates that such noise is a nuisance and must cease. This section shall not be interpreted to require a minimum of two complaints before the City can investigate and enforce violations of this Chapter.

8.08.080 Motor vehicle noise levels.

1. Noise Standards; Violations. No person shall operate any motor vehicle or any combination of such vehicles upon any public highway in violation of standards specified in WAC 173-62-060(1) through (4), which section is hereby adopted by reference, with all future amendments thereto. For purposes of this chapter, "public highway" means the entire width between the boundary lines of every road, street, alley, lane, boulevard, parking lot, and every way or place in the city, whether publicly or privately maintained, when any part thereof is open at any time to the use of the public for purposes of vehicular traffic.

2. Exemptions. The exemptions to motor vehicle noise as stated in WAC 173-62-040 are hereby adopted by reference, with all future amendments thereto.

8.08.090 Variances.

1. Variances may be granted to any person from any requirement of Section 8.08.040, if findings are made by the Planning Director or his/her designee that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of non-availability of feasible technology or control methods. Variances shall not be granted for any requirement of Section 8.08.060.

2. Any such variance, or renewal thereof, shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

3. Variances shall be heard and decided in the manner set forth in Chapter 21.42 WMC and the decision of the Director shall be governed by the criteria set forth in said chapter for purposes of decision-making, notice and appeal procedures.

8.08.100 Penalty for violation.

1. All other noise offenses defined in this chapter shall constitute a civil infraction and enforceable as set forth in Chapter 1.03 WMC.

2. Separate Offenses. Each day for which a violation continues, or is repeated, shall constitute a separate offense.

3. Supplement to Other Laws. The provisions of this chapter, and the penalties provided herein, shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action, or remedy provided in the Woodinville Municipal Code or by common law.

Section 2. Copies on file. Pursuant to RCW 35A.12.140, one copy of the text of the adopted section of Chapter 173-60 WAC and this Ordinance shall be on file with the City Clerk for use and examination by the public.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

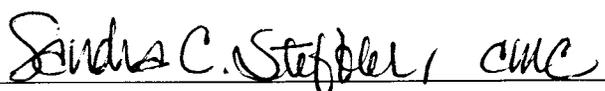
Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five (5) days after passage of publication of an approved summary thereof consisting of the title.

CITY OF WOODINVILLE



MAYOR, DONALD J. BROCHA

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA STEFFLER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY *Dawn L. Findlay*

FILED WITH THE CITY CLERK: 10·12·98
PASSED BY THE CITY COUNCIL: 10·12·98
PUBLISHED: 10·19·98
EFFECTIVE DATE: 10·24·98
ORDINANCE NO. 219