

ORDINANCE NO. 552

AN ORDINANCE OF THE CITY COUNCIL OF WOODINVILLE, WASHINGTON, AMENDING WOODINVILLE MUNICIPAL CODE CHAPTER 8.08 AND SECTION 21.38.065 PERTAINING TO NOISE REGULATIONS FOR CITY APPROVED EVENTS.

WHEREAS, the Woodinville City Council approved the 2012 Docket on February 7, 2012; which included an item to review the City's requirements for noise regulations; and

WHEREAS, the City Council referred this matter to the Woodinville Planning Commission for study and recommendation; and

WHEREAS, the Woodinville Planning Commission reviewed this matter at study sessions on August 1, 2012; and at a public hearing on September 12, 2012; and

WHEREAS, the Woodinville Planning Commission recommends amendment of the Woodinville Municipal Code to improve understanding and clarity of the City's noise regulations; and

WHEREAS, the Woodinville City Council has reviewed the Planning Commission's recommendation and received additional public comment regarding the recommended changes at a public hearing on October 9, 2012; and

WHEREAS, the Woodinville City Council has determined that the proposed amendments contained in Ordinance No. 552 are consistent with the City's Comprehensive Plan Goals and Policies, and will provide needed clarity for the public and to ensure consistent application of the regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 8.08 WMC, Noise Regulation. Woodinville Municipal Code Section 8.08.050 and 8.08.060 are hereby amended as follows (new text is shown by underline; deletions of text are shown by ~~strikethrough~~); all other provisions of this chapter shall remain unchanged and in full force and effect:

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. Additionally, the following events shall be exempt from maximum permissible environmental noise levels as follows:

(1) Permitted events at approved venues, parks, or stadiums such as sporting events and concerts, outdoor movies, festivals, or permitted parades; or any outdoor activity in the Tourist District Overlay that is approved or permitted by the City. Such events shall comply with the noise restrictions as required under the City's permit process on a case-by-case basis. Criteria for establishing the noise restrictions include: 1) location of the event and proximity to residential properties; 2) the proposed time and day of the week of the event; 3) proposed amplification of sound; and 4) the proposed duration of the event. The noise restrictions for special events generally should limit noise between 10:00 p.m. and 7:00 a.m. as set

forth in WAC 173-60-040, but may be modified by the Director based on the above criteria. The applicant may appeal any noise restriction imposed as a condition of such permit as provided in WMC 8.12.100.

...

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:

...

(11) ~~The foregoing provisions of this section shall not apply to permitted regularly scheduled events at approved and permitted venues, parks or stadiums such as: sporting events, concerts, outdoor movies, festivals, or permitted parades; or any outdoor activity in the Tourist District Overlay that is approved or permitted by the City such as public address systems for baseball games or park concerts, or to community festivals or permitted parades.~~

...

Section 2. Amendment of WMC 21.38.065, Special district overlay – Tourist District. Woodinville Municipal Code Section 21.38.065 are hereby amended as follows (new text is shown by underline; deletions of text are shown by ~~strikethrough~~); all other provisions of this section shall remain unchanged and in full force and effect:

...

(9) Special events, and outdoor performances shall comply with the temporary use permits section of the Chapter 21.32 WMC and the following:

- (a) All needed parking will be accommodated on-site by a combination of permanent and temporary facilities or on other private sites with appropriate written consent;
- (b) An event management plan covering sanitation, crowd control, traffic parking and emergency services shall be filed with the Public Works Director; and
- (c) ~~The maximum permissible sound levels Chapter 8.08 WMC Noise Regulation, for receiving property shall not exceed 59 dBA per Chapter 8.08 WMC for short duration increased levels.~~

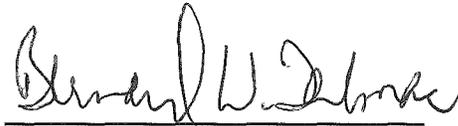
...

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

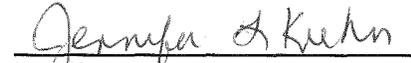
Section 5. Effective Date. The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 6th DAY OF NOVEMBER 2012.



Bernard W. Talmas, Mayor

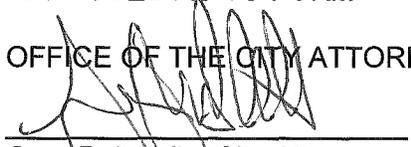
ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 11-6-2012

PUBLISHED: 11-12-2012

EFFECTIVE DATE: 11-19-2012

ORDINANCE NO. 552



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 8, 2012

Jennifer Kuhn
City Clerk
City of Woodinville
17301 - 133rd Avenue Northeast
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Woodinville - Adopted Ordinance 552, which amends the City of Woodinville Municipal Code, pertaining to noise regulations for city approved events. These materials were received on November 07, 2012 and processed with the Material ID # 18665.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services