

**ORDINANCE NO. 07-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING COVINGTON MUNICIPAL CODE 8.20, NOISE CONTROL, AND PROVIDING FOR EXEMPTIONS TO THE HOURS FOR NIGHTTIME CONSTRUCTION AND NOISE PROVISIONS FOR GOVERNMENTAL ENTITIES AND UTILITY COMPANIES OR DISTRICTS.**

WHEREAS, Section 8.20 of the Covington Municipal Code (CMC) authorizes the City of Covington to control the level of noise pollution in a manner that promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment by declaring certain noise producing activities to be noise disturbances; and

WHEREAS, city staff has noted the need to grant exceptions to the allowed hours of construction noise to effectively mitigate adverse effects to the public of construction work within the public right-of-way and public utility easements (i.e. turning off water or sewer, rerouting traffic, etc.); and

WHEREAS, the City Council desires to adopt an amendment to Section 8.20 of the CMC to allow the City Manager or his/her designee to grant an exemption to the allowed hours of construction work for governmental entities and public utilities working within a right-of-way or public utility easement; and

WHEREAS, adequate provisions are included in the proposed amendments to ensure that noise mitigation measures are taken to minimize impacts to nearby residential dwellings and that affected property owners are given notice of the exemptions; and

WHEREAS, the Covington City Council held a public hearing, after reasonable public notice in the newspaper and on the city website, on May 22, 2012, to gather public opinion, comments, and testimony on the proposed noise exemptions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Covington Municipal Code Chapter 8.20, Noise Control, is amended as provided in the attached Exhibit A and fully incorporated herein by this reference.

Section 2. This ordinance shall be in full force and effect five days after proper posting and publication. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 3. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in full force and effect.

Passed by the City Council in an open public meeting on the 22<sup>nd</sup> day of May, 2012.

  
\_\_\_\_\_  
Mayor Margaret Harto

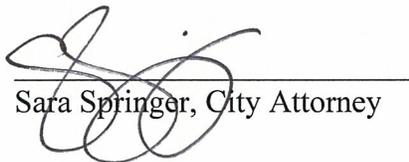
PUBLISHED: May 25, 2012

EFFECTIVE: May 30, 2012

ATTESTED:

  
\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sara Springer, City Attorney

## Chapter 8.20 NOISE CONTROL

### Sections:

- 8.20.010 Purpose.
- 8.20.020 Public disturbance noises.
- 8.20.030 Violation – Penalty.

#### **8.20.010 Purpose.**

The purpose of this chapter is to minimize the exposure of citizens to the harmful physiological effects of excessive noise. The intent of the City Council is to control the level of noise pollution in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the quality of the environment by declaring certain noise producing activities to be noise disturbances. (Ord. 96-98 § 1)

#### **8.20.020 Public disturbance noises.**

(1) It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

(2) The following sources of sound shall be public disturbance noises:

- (a) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except those from a police, fire or medical emergency vehicle, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
- (b) 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 residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
- (c) Yelling or shouting which is audible on the public streets or public grounds between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
- (d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium which unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property, such as sounds from band sessions or social gatherings;
- (e) The creation of sound from any motor vehicle audio sound system, such as a tape player, radio or compact disc player, operated at a volume so as to be audible at least 50 feet from the source;
- (f) The creation of sound from any audio equipment, such as a tape player, radio or compact disc player, television, musical instrument, or similar device, whether portable or stationary, operated at a volume as to be audible at least 50 feet from the source;
- (g) The creation of squealing, screeching or other similar sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such

other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section;

(h) The creation of sounds originating from residential real property relating to temporary projects for the maintenance or repair of grounds and appurtenances, including but not limited to sounds from lawn mowers, powered hand tools, snow removal equipment and composters, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 9:00 a.m. on weekends;

(i) The creation of sounds originating from any construction activity, including excavation and land clearing work, or erection, demolition, alteration, repair, or relocation of any building or structure, which uses tools such as, but not limited to, powered equipment, compressors, motorized or powered hand tools, hammers or equipment of a similar nature at any location which produces noise clearly audible from another location in a residential district or at a dwelling in any district, ~~other than~~ between the hours of 8:00 p.m. and 7:00 a.m. and 8:00 p.m. on weekdays and 6:00 p.m. and 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays or ~~F~~ederal holidays. Prohibitions on the above listed construction activities occurring during 8:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends or federal holidays may be waived or modified by the City Manager or his/her designee upon written request by a permit applicant, or the owner of the property, with an approved building permit for work involving public utilities within the public right-of-way. The applicant shall outline in writing the length of the requested nighttime work, why it is necessary, the activities that will be undertaken in those expanded hours, and any mitigation methods proposed to minimize or eliminate noise impacts to nearby residential dwellings. If the request is approved, the City's approval shall include the specific construction activities, dates and hours of operation, and any appropriate noise mitigation measures that must be met to commence such activities during the approved dates and times. Upon approval by the City, the applicant shall notify all property owners within 300 feet of the property of the approved nighttime construction hours at least three (3) days prior to commencement of the nighttime work by a notification method approved by the City. The City Manager or his/her designee may waive or modify the three (3) day notification requirement to affected property owners if the City Manager or his/her designee determines that a fire or life safety emergency exists that requires the work to be commenced prior to the end of the three (3) day notification period.

(j) The creation of sounds from gas-powered motorized foot scooters between the hours of 9:00 p.m. and 7:00 a.m. or during any "hours of darkness" as that phrase is defined in RCW 46.04.200. For purposes of this section, the times of sunset and sunrise shall be those times designated in a newspaper of local circulation including the King County Journal, the Seattle Times or the Seattle Post-Intelligencer.

(3) The prohibitions set forth in this section shall not apply to a civic event or gathering approved in advance by the City Manager or his/her designee; and provided, that the City shall approve the activities and hours of operation for which the noise level shall be exempt. (Ord. 21-04 § 1; Ord. 27-01 § 1; Ord. 96-98 § 1)

#### **8.20.030 Violation – Penalty.**

Any violation of or any failure to comply with any provision of this chapter shall be a Class 3 civil infraction as provided for in Chapter 7.80 RCW, and shall carry a fine of \$50.00 plus statutory assessments. (Ord. 96-98 § 1)