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8/27/03

**ORDINANCE NO. 3469**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING SECTIONS 5.30.110 AND 5.30.120 OF THE EDMONDS CITY CODE; IN ORDER TO IMPOSE RESTRICTIONS ON CONSTRUCTION NOISE; CLARIFY A LIMITED EXCEPTION FOR INCIDENTAL HOME MAINTENANCE, REPAIR AND CONSTRUCTION ACTIVITIES; AND AMEND THE VARIANCE PROCESS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City of Edmonds currently regulates the emission of noise through Chapter 5.30 of the Edmonds City Code (ECC);and

WHEREAS, ECC 5.30.110 currently exempts from City regulations certain noise originating from temporary construction sites in residential districts; and

WHEREAS, the City Council desires to amend ECC 5.30.110 in order to further limit the City's current exemption for construction noise; and

WHEREAS, the City Council finds that further limiting the hours within which construction noise may originate will benefit the City's residential neighborhoods by ensuring tranquility and calm during sensitive hours, while simultaneously preserving a sufficient opportunity for necessary construction activities to occur; and

WHEREAS, the City Council finds that it is appropriate to amend ECC 5.30.120 to provide a practical way to address unusual circumstances that can arise which may necessitate granting administrative variances where unusual physical or economic circumstances arise and

there is not time to process such variances through the normal Hearing Examiner hearing process; and

WHEREAS, the City Council recognizes that any noise regulation differing from the standards prescribed by the State Department of Ecology (DOE) must receive DOE's approval prior to becoming effective; and

WHEREAS, DOE has reviewed and formally approved this ordinance by letter dated, September 30, 2003, attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Section 5.30.110 Sounds exempt during daytime hours of the Edmonds City Code is hereby amended to read as follows:

**5.30.110 Sounds exempt during daytime hours.**

A. The following sounds are exempt from the provisions of this chapter between the hours of 7:00 a.m. to 10:00 p.m.:

1. Sounds originating from residential property relating to homeowner-sponsored temporary projects for the maintenance and repair of existing homes and grounds, including but not limited to lawn mowers, saws, hammering and gardening. This exemption applies to the construction of such incidental appurtenances for existing homes as fences, decks, patios, carports, swimming pools, ponds, walkways and private kennels. This exemption excludes sounds from race vehicles.

2. Sounds created by blasting.

3. Sounds created by the installation or repair of utility services or public road projects.

B. Sounds originating from temporary construction sites as a result of construction activity are exempt from the provisions of this chapter, but only during the hours of 7:00 a.m. to 6:00 p.m. on weekdays and 10:00 a.m. to 6:00 p.m. on Saturdays, excluding Sundays and Federal Holidays.

Section 2. Section 5.30.120 Variances of the Edmonds City Code is hereby

amended to read as follows:

5.30.120 Variances.

A. Variances may be granted to any person from any requirement of ECC 5.30.040 or 5.30.110 if findings are made 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 nonavailability of feasible technology or control methods.

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

C. Variances shall be processed in the following manner:

1. The Mayor or his/her designee may grant no more than two administrative variances during any six (6) month period for no more than two consecutive days in those cases where unplanned, unusual physical or economic circumstances arise which make it necessary to complete immediate construction work and notice to adjacent property owners is not feasible. Notice of the administrative variance shall be given to the Police Department and posting the subject property by the applicant. Variances shall be applied for and granted in advance. Any period of violation shall be deducted from the two day maximum.
2. In circumstances where it is not possible to meet the normal variance process, the Mayor or his/her designee may also grant no more than one administrative variance of longer than two days but no longer than seven days during any six (6) month period pursuant to this Section. Notice shall be mailed to all property owners within 300 feet stating the administrative variance allowed, any variance conditions and the duration of such administrative variance. Notice shall also be given to the Police Department and posting the subject property by the applicant.
3. In those circumstances where variances to the noise standards are anticipated, the variance must be processed in the same manner provided for in

ECDC 20.85.020 utilizing the criteria found in this Section.

D. The grant of a variance shall not relieve any person from the requirements of ECC 5.30.130 relating to public disturbance noises.

E. Variances granted pursuant to this ordinance are subject to review under ECDC 20.100.020.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

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CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 08/22/2003  
PASSED BY THE CITY COUNCIL: 08/26/2003  
PUBLISHED: 11/30/2003  
EFFECTIVE DATE: 12/08/2003  
ORDINANCE NO. 3469

**SUMMARY OF ORDINANCE NO. 3469**

of the City of Edmonds, Washington

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On the 26<sup>th</sup> day of August, 2003, the City Council of the City of Edmonds, passed Ordinance No. 3469. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 5.30 OF THE EDMONDS CITY CODE; IMPOSING RESTRICTIONS ON CONSTRUCTION NOISE; CLARIFYING A LIMITED EXCEPTION FOR INCIDENTAL HOME MAINTENANCE, REPAIR AND CONSTRUCTION ACTIVITIES; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 26<sup>th</sup> day of November, 2003.

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CITY CLERK, SANDRA S. CHASE