

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 08-18

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING CHAPTER 8.30 OF THE BUCKLEY MUNICIPAL CODE TO ADD TWO NEW SECTIONS RELATED TO NOISE CONTROL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City regulates noise in the community through adoption of Buckley Municipal Code 8.30 for the purpose of minimizing the exposure of citizens to the harmful physiological effects of excessive noise; and

WHEREAS, the code section has no language or provision that allows exception to the regulation or a variance process for the City Council to consider alternatives; and

WHEREAS, in the past the City Council has considered exceptions to the regulation on a case by case basis, such as WSDOT conducting night work on SR410 or conducting White River bridge repairs; and

WHEREAS, the City attorney has indicated that without having an adopted process in place, this case by case consideration can be construed as being arbitrary and is recommending that the City adopt language that clearly spells out exceptions or a variance process; and

WHEREAS, the City is currently reviewing a request from the US Army Corps of Engineers for a noise variance for their instream work constructing the new White River Diversion Dam scheduled to begin in July, 2019; and

WHEREAS, based on the City Attorney's recommendation City staff have researched and reviewed examples of other jurisdictions that have exception policies in place and have drafted new code sections for the City Council to consider; and

WHEREAS, the draft new code sections refer to Washington State noise regulations in Chapter 173-60 WAC that established decibel thresholds based upon specified use and provides a list of exceptions to the policy;

WHEREAS, the City Council concurs with the City Attorney’s recommendation and desires to adopt the new sections presented for consideration by City staff;

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

Section 1. Amended. A new Section 8.30.022 of the Buckley Municipal Code is hereby added to read as follows:

8.30.022 Public disturbance noise.

A. It is unlawful for any person to cause or permit any sound or noise listed in BMC [8.30.020](#) to intrude into the property of another person which sound or noise exceeds the maximum permissible noise levels set forth below in this section. For purposes of this chapter, and in compliance with Chapter [173-60](#) WAC, the properties within the City of Buckley are as follows:

1. Residential zones – Class A EDNA.
2. Commercial zones – Class B EDNA.
3. Industrial zones – Class C EDNA.

B. 1. The sound and noise limitations established herein are as set forth in the following table after any applicable adjustments provided herein are applied:

Property Sound or EDNA of Noise Source	EDNA of receiving property 7:00 a.m. to 10:00 p.m.		
	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. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by ten dBA for receiving property within Class A EDNAs.

3. At any hour of the day or night the applicable noise limitations in subsection (B)(1) of this section may be exceeded for any receiving property by no more than:

- a. Five dBA for a total of fifteen minutes in any one-hour period; or

- b. Ten dBA for a total of five minutes in any one-hour period; or
- c. Fifteen dBA for a total of one and one-half minutes in any one-hour period.

For purposes of this chapter, enforcement shall be undertaken by a person with City delegated authority with respect to violations. For enforcement purposes, each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which violation of the public disturbance noise regulations in this chapter occurs, shall constitute a separate violation.

Section 2. Amended. A new Section 8.30.026 of the Buckley Municipal Code is hereby added to read as follows:

8.30.026 Exceptions from prohibitions.

None of the terms or prohibitions of this chapter shall apply or be enforced against:

- A. Any vehicle of the city while engaged in necessary public business;
- B. Excavations or repairs of bridges, dams, streets or highways by or on behalf of the city, Pierce County, federal or state government during the night season when the public welfare and convenience render it impossible to perform such work during the day;
- C. The reasonable use of amplifiers or loudspeakers in the course of public addresses or public events at reasonable times and reasonable hours; provided, that no amplifier or loudspeaker shall be used in any area of the city except from 12:00 noon through 10:30 p.m., and that such public addresses by use of loudspeakers or amplifier shall not be used for more than three hours of continuous operation in any one location.
- D. Sound created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity.
- E. Sounds originating from officially sanctioned parades and other public events, including officially sanctioned fireworks displays.
- F. Sounds, including sounds created by sound amplification equipment, emanating from any event or activity for which a special use permit has been issued by the city in which case the provisions of the special use permit shall control. The city shall retain the authority to approve with conditions or deny special use permits at its sole discretion.
- G. Sounds that are the result of agricultural activities.
- H. Public works projects and other projects within the public rights-of-way for which the city council determines that the public benefit of night-time construction outweighs the short-term impacts of such construction.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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.

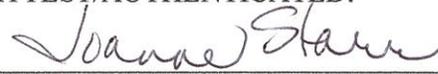
Section 4. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 24th day of April, 2018.



MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:



CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

PUBLISHED: May 2, 2018

OFFICE OF THE CITY ATTORNEY:

EFFECTIVE: May 7, 2018

BY