

ORDINANCE 1698

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTIONS 8.26.110 (SOUNDS EXEMPT DURING DAYTIME HOURS) AND 8.26.115 (CONSTRUCTION NOISE); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to ensure that noise levels are kept at reasonable levels and times during the day; and

WHEREAS, the City Council has proposed an earlier cutoff time for construction noise and sounds during daytime hours, ending at 7:00 p.m. rather than 8:30 p.m. Monday through Friday, and ending at 5:00 p.m. rather than 6:00 p.m. for construction on Saturdays; and

WHEREAS, a SEPA Determination of Non-Significance was issued for the proposed amendments on June 28, 2019; and

WHEREAS, the City sent a copy of this proposed Ordinance to the Department of Ecology on July 31, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 8.26.110 (Sounds Exempt During Daytime Hours), Amended: NBMC Section 8.26.110 (Sounds exempt during daytime hours) is hereby amended to read as follows:

8.26.110 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 8:30 p.m.:

~~A. 1.~~ Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances including but not limited to lawn mowers, saws, hammering and gardening, but excluding sounds from race vehicles.

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

1. Sounds created by temporary blasting relating to an approved permit; and

~~2.~~ Sounds created by the installation or repair of essential utility service; and

~~3.~~ Sounds created by aircraft, engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted in remote sites whenever possible.

Section 2. NBMC Section 8.26.115 (Construction Noise), Amended: NBMC Section 8.26.115 (Construction noise) is hereby amended to read as follows:

8.26.115 Construction noise.

Sounds caused by or arising out of construction activities at construction sites are permitted only between the hours of 7:00 a.m. and ~~8:30~~ 7:00 p.m., Monday through Friday, and between 9:00 a.m. and ~~6:5~~5:00 p.m. on Saturdays. Such sounds are prohibited at all other times, including at any time on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, regardless of the day of the week of any such holiday.

Notwithstanding any other provision of this chapter, however, the director of public works may authorize construction noise to otherwise occur when necessary in the director's reasonable discretion to accommodate transportation mitigation such as evening haul routes, construction on government facilities which cannot be undertaken during permitted hours, construction activities and site stabilization in the fall prior to the onset of winter weather, emergency work, or similar unusual events.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This ordinance shall be published in the official newspaper of

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the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF
OCTOBER, 2019.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Eileen M. Keiffer, City Attorney

Published: October 11, 2019
Effective: October 16, 2019

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk