

TOWN OF GRANITE FALLS

ORIDINANCE NO. 403

AN ORDINANCE OF THE TOWN OF GRANITE FALLS RELATING TO NOISE CONTROL; ADOPTING CERTAIN SECTIONS OF CHAPTER 173-60 WAC AND CHAPTER 173-62 WAC BY REFERENCE; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID REGULATIONS; PRESCRIBING PENALTIES; AND REPEALING ALL SECTIONS OF ORDINANCES IN CONFLICT HEREWITHIN.

BE IT ORDAINED by the Town Council of the Town of Granite Falls, Washington, as follows:

SECTION 1. Declaration Of Policy. It is hereby declared to be the policy of the Town of Granite Falls to minimize the exposure of citizens to the harmful, physiological and psychological effects of excessive noise. It is the express intent of the Town to control the level of noise in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment.

SECTION 2. Definitions. All technical terminology used in this Chapter, not otherwise defined, shall be interpreted in conformance with Chapters 173-60 and 173-62 of the Washington Administrative Code. The following words and phrases shall have the meanings indicated below:

1. "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

2. "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

3. "Noise" means the intensity, duration and character of sounds, from any and all sources.

4. "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

5. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

6. "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

7. "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S 1.4-1971.

SECTION 3. Identification Of Environments.

1. Class A EDNA. Lands where human beings reside and sleep, including all properties in the Town which are zoned in single family residential or multiple family residential classifications.

2. Class B EDNA. Lands involving uses requiring protection against noise interference with speech, including all properties in the Town which are zoned in neighborhood business, community business, general commercial and freeway service classifications.

3. Class C. EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the Department of Labor and Industries. Such areas shall include all properties in the Town which are zoned in light industrial and general industrial classifications.

SECTION 4. Maximum Permissible Environmental Noise Levels.

No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise level set forth in WAC 173-60-040, which Section is hereby adopted by reference.

SECTION 5. Exemptions. The exemptions to the maximum permissible environmental noise levels set forth in WAC 173-60-050 are hereby adopted by reference.

SECTION 6. 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 hereby defined to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this Chapter:

1. Frequent, repetitive or continuous noise made by any animal which unreasonably distrubs or interferes with the peace, comfort and repose of property owners or possessors, except that such sounds shall be exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics.

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

3. The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property.

4. The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection.

5. The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium, nursing or convalescent facility.

6. The creation by use of a musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television, or other device capable of reproducing loud and raucous noises which emanate frequently, repetitively or continuously from any buildings, structure or property, such as sound originating from a band session, tavern operation, or social gathering.

SECTION 7. Motor Vehicle Noise Levels.

1. Noise Standards; Violations. No person shall operate any motor vehicle or any combination of such vehicles upon any public highway in violation of standards specified in WAC 173-62-060(1)-(4), which Section is hereby adopted by reference. For purposes of this Chapter, "public highway" means the entire width between the boundary lines of every road, street, alley, lane, boulevard, parking lot, and every way or place in the Town, whether publicly or privately maintained, when any part thereof is open at any time to the use of the public for purposes of vehicular traffic.

2. Exemptions. The exemptions to motor vehicle noise as stated in WAC 173-62-040 are hereby adopted by reference.

SECTION 8. Variances.

1. The Granite Falls Planning Commission shall have authority to receive variance applications from the requirements of this Ordinance. Variance procedures specified in the Granite Falls Zoning Ordinance shall apply.

2. Variances may be granted to any person from any particular requirement of this Chapter, if findings are made by the Planning Commission 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. Any such variance, or renewal thereof, shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

3. An implementation schedule for achieving compliance with this Chapter shall be incorporated into any variance issued.

SECTION 9. Penalties.

1. Motor Vehicle Offenses. All offenses defined in this Chapter relating to the operation of motor vehicles shall constitute traffic infractions, and a violator shall be civilly liable for a monetary penalty as specified in the Granite Falls Municipal Code.

2. Other Noise Offenses. All other noise offenses defined in this Chapter shall constitute misdemeanors, and a violator shall be punishable by a fine not to exceed \$1,000.00.

3. Separate Offenses. Each day for which a violation continues, or is repeated, shall constitute a separate offense.

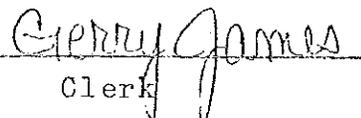
4. Supplement To Other Laws. The provisions of this Chapter, and the penalties provided herein, shall be cumulative and non-exclusive, and shall not affect any other claim, cause of action, or remedy provided in the Granite Falls Municipal Code or by common law.

SECTION 10. This Ordinance shall take effect from and after its passage, approval, posting and publication, according to law.

Said Ordinance was passed in open session by the Town Council of the Town of Granite Falls on the 21 day of Dec., 1987.

Approved by the Mayor this 21 day of December, 1987.


MAYOR

Attest: 
Clerk

Approved: December 21, 1987

Published: December 26, 1987