

CITY OF GRANITE FALLS
ORDINANCE NO. 663-03

AN ORDINANCE OF THE CITY OF GRANITE FALLS
ADOPTING NOISE REGULATION.

Section 1 Declaration of Policy

It is hereby declared to be the policy of the city 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 City Council 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

A. Definitions are as follows:

1. "Ambient sound level" means the background level of all sound in a given EDNA independent of the specific source being measured. The "A" weighted sound pressure level exceeded 90 percent of the time based on a one-hour period.
2. "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standards Institute Specifications for sound level meters.
3. "Decibel" means a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals.
4. "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.
5. "Emergency vehicle" means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
6. "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle.
7. "Impulse sound" means either a single pressure peak or a single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound level meter.
8. "Impulsive sound" means sound having the following qualities: the peak of the sound level is less than one second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the peak value exceeds ambient level by more than 10 dBA.

9. "In-use motor vehicle" means any motor vehicle which is used on a public highway except farm vehicles as defined under RCW 46.04.181.
10. "Motor vehicle" means any vehicle which is self propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010. Airplanes, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as the term is used in this chapter.
11. "Motor vehicle racing event" means any motor vehicle competition conducted under a permit issued by the City of Granite Falls and under the auspices of a recognized sanctioning body.
12. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors.
13. "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting there from.
14. "Noise" means the intensity, duration and character of sounds, from any and all sources.
15. "Noise disturbance" means any sound which annoys, disturbs, or perturbs reasonable persons with normal sensitivities; or any sound which injures or endangers the comfort, repose, health, hearing, peace, or safety of other persons.
16. "Noise sensitive area" means any area so designated by the City of Granite Falls in which noise sensitive activities are conducted and which required exceptional quiet. Such activities include, but are not limited to, the operation of schools, hospitals, nursing homes, courts and churches.
17. "Off highway vehicle" means any self-propelled vehicles not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010.
18. "Operator" means any person who is in actual physical or electronic control of a powered watercraft, motor vehicle, aircraft, off-road vehicle, or any other engine-driven vehicle.
19. "Periodic sound" means sound having the following qualities:
 - a. The sound level varies repetitively with a period of one minute or less and the peak value is more than five dBA above the minimum value.
20. "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.
21. "Powered model vehicle" means any mechanically propelled vehicle, either airborne, waterborne, or land borne, designed not to

- carry persons or property such as, but not limited to, model airplanes,, boats, cars and rockets.
22. "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 persons, and its vertical extension.
 23. "Public space" means an area which is owned or controlled by a public governmental entity and maintained for the use of the general public.
 24. "Public highway" means the entire width between the boundary line of every way publicly maintained by the Department of Highways or any county or city when any part thereof is generally open to the use of the public for the purposes of vehicular travel as a matter of right.
 25. "Receiving property" means real property at the boundaries of which the maximum permissible noise levels specified in this chapter shall not be exceeded from sources outside such property.
 26. "Sound level" means a weighted sound pressure level measured by use of a sound level meter using an "A" weighted network and reported as dBA.
 27. "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 publications.
 28. "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation of water. Including model craft, powered by an internal or external combustion engine.

Section 3 Emergency exemptions.

Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter. Nothing in this section shall be construed to permit law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary.

Section 4 Noises prohibited.

- A. General Prohibitions. It shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance. It shall be unlawful for any person to make, continue, or cause to be

made or continued any noise which exceeds the maximum permissible noise levels specified in GFMC within the city limits of Granite Falls.

- B. Specific Prohibitions. The following acts, among others, are declared to be noise disturbance in violation of the ordinance codified in this chapter, but the enumeration shall not be deemed exclusive, namely:
1. The sounding of any horn or signaling device on any automobile, truck, motorcycle, transit vehicle or other vehicle on any public street or public place of the city, except as a necessary warning of danger to person or property, the creation by means of any such signaling device of any unreasonably loud or harsh sound, and the sounding of any such device for an unnecessary and unreasonable period of time;
 2. The use of any automobile, truck, motorcycle, transit vehicle, or other vehicle, or engine, either stationary or moving, or any instrument, device or thing so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, squealing, grinding, rattling or other noise;
 3. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle or off-road vehicle, in or near a residential use district in such a manner as to cause noise disturbance or violate the provisions of GFMC.
 4. To discharge into the open air the exhaust of any steam engine, stationary internal combustion or motor vehicle, except through a muffler or other device which will effectively reduce loud or explosive noises there from;
 5. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestions, within 150 feet of a residential zone or designated noise sensitive area, between the hours of 10:00 p.m. and 7:00 a.m. the following day;
 6. Creating any unnecessary or unusually loud noise within the vicinity of any school or other institution of learning, hospital, nursing home, court, church or other designated area where exceptional quiet is necessary, while the same are in use, provided conspicuous signs are displayed in adjacent or contiguous streets, indicating that the same is a noise sensitive area;
 7. Yelling, shouting, hooting, whistling or singing, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time and place so as to disturb the quiet, comfort and repose of any

- person in any hospital, rest home, sanitarium, dwelling, hotel, motel or other type of residence.
8. Owning, keeping, possessing, or harboring any animal which by frequent or habitual howling, barking, or other noisemaking, causes noise disturbance. The provisions of this section shall also apply to all private or public facilities, including any animal pounds, which hold or treat animals;
 9. The use, operation, or permitting to be used, played or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntarily listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section;
 10. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or fan or blower, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary;
 11. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within noise sensitive areas between the hours of 10:00 p.m. and 7:00 a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential land use in Table 1 of GFMC and shall be measured at a distance of 50 feet from any point on the path of the vehicle;
 12. The creation of loud and excessive noises in connection with loading or unloading any vehicle, or opening or destruction of bales, boxes and containers;
 13. The erection, including excavation, demolition, alteration or repair of any building, in a residential, apartment, hotel or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety and convenience, and then only under approval from the office of the mayor. Said weekend

work approval to be submitted to the department of public works for processing as required by GFMC.

14. The use of hand or power tools, blowers, or machinery or the handling of materials which results in unreasonably loud and disturbing noises. The operation of such machine, device, or tool, or the handling of materials in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, structure, vehicle, or location in which it is located shall be prima facie evidence of a violation of this section.

Provided, that the foregoing enumeration of acts shall not be construed as excluding other acts which offend the public peace in contradiction of subsection (A) of this section.

- C. Exceptions. None of the terms or prohibitions contained in subsection (B) of this section shall apply or be enforced against any vehicle of the City of Granite Falls while engaged in necessary public business. These terms or prohibitions shall not apply or be enforced against any excavations or repairs of bridges, utilities, streets or highways performed by or on behalf of the City of Granite Falls, Snohomish County or State of Washington.
- D. Use of Loudspeakers. The reasonable use of loudspeaker or amplifier is permitted; provided, that no loudspeaker or amplifier shall be used in residential-zone districts; and provided, that no person shall use any loudspeaker, amplifier, or similar device which shall project sound above the ambient level beyond the property lines of the premises upon which it is being used without first obtaining a permit from the office of the mayor to do so. In issuing a permit, the office of the mayor may impose such restrictions on time, area and volume as are necessary to preserve the public peace and safety.

Section 5 Designation of environments.

- A. Environmental Designations for Noise Abatement. Environmental designations for noise abatement (EDNA) are hereby declared. They are based primarily on the zoning ordinance but also take into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity. Designation of such EDNAs are based on the following typical uses:

1. Class A EDNA – Lands where human beings reside and sleep. Typically Class A EDNA will be the following types of property used for human habitation;
 - a. Residential;

- b. Multiple-family living accommodations;
 - c. Recreational and entertainment, e.g., camps, parks, camping facilities, and resorts;
 - d. Community service, e.g. orphanages, homes for the aged, hospitals, health and correctional facilities.
2. Class B EDNA – Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be following types of property;
- a. Commercial living accommodations;
 - b. Commercial dining establishments;
 - c. Motor vehicle services;
 - d. Retail services;
 - e. Banks and office buildings;
 - f. Miscellaneous commercial services, property not used for human habitation;
 - g. Recreation and entertainment, property not used for human habitation, e.g. theaters, stadiums, fairgrounds, and amusement parks;
 - h. Community services, property not used for human habitation, e.g., educational, religious, governmental, cultural and recreational facilities.
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. Typically, Class C EDNA will be the following types of property:
- a. Storage, warehouse, and distribution facilities;
 - b. Industrial property used for the production and fabrication for durable and nondurable manmade goods;
 - c. Agricultural and silvicultural property used for the production of crops, plant products or livestock.
 - d. Zoning for Noise Abatement. The following land use zoning classifications as described in GFMC Noise Ordinance are hereby assigned the EDNA classifications below:

ZONE

EDNA

Single Family (R9600)
 Single Family (R7200)
 Multi-Family (MR4000)
 Multi-Family (MR2500)

Class A

Community Business (CB)

Class B

Industrial Park (IP)

Class C

- B. Enforcement in Unzoned or General Use Areas. Where no specific prior designation of EDNA has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the planning director on the basis of the criteria of GFMC.

Section 6 Environmental noise levels.

- A. 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 levels set forth in this section, with the point of measurement being at the property boundary of the receiving property or anywhere within. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this chapter are applied.

Table 1
Maximum Permissible Environmental Noise Levels

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57	60	65
Class C	60	65	70

- B. Deviations. The following deviations from the maximum permissible noise levels are permitted:
 1. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs;
 2. At any hour of the day or night the applicable noise limitations in Table 1 and the nighttime restrictions above may be exceeded for any receiving property by no more than:
 - a. Five dBA for a total of 15 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 1.5 minutes in any one-hour period.

- C. Exemptions. The following shall be exempt from the provisions of subsection (A) of this section between the hours of 7:00 a.m. and 10:00 p.m.:
1. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances;
 2. Sounds created by the discharge of firearms on authorized shooting ranges;
 3. Sounds created by aircraft engine testing and maintenance not related to flight operation; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
 4. Sounds created by the installation or repair of essential utility services;
 5. Sounds created by blasting.
- D. Nighttime Exemption. The following shall be exempt from the provisions of subsection (B)(1) of this section;
1. Noise from electrical substations and existing, stationary equipment used in the conveyance of water by a utility.
 2. Noise from existing industrial installations which exceed the standards contained in these regulations and which, other the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours or activity, which would affect exemptions under this regulation, require approval of the planning director.
- E. Exemptions Other than Residential. The following shall be exempt from the provisions of subsection (A) of this section, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.:
1. Sound originating from temporary construction sites as a result of construction activity.
 2. Sounds originating from forest harvesting and silvicultural activity.
- F. Other Exemptions. The following shall be exempt from all provisions of subsection (A) of this section:
1. Sounds created by motor vehicles being operated on a public highway when regulated by GFMC;

2. Sound originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
3. Sounds created by surface carriers engaged in interstate commerce by railroad;
4. sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes and carillons;
5. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible;
6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community;
7. Sounds originating from motor vehicle racing events at existing, authorized facilities;
8. Sounds originating from officially sanctioned parades and other public events;
9. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
10. Sounds created by watercraft;
11. Sounds created by discharge of firearms in the course of hunting;
12. Sounds caused by natural phenomena and unamplified human voices;
13. Sounds caused by motor vehicles, licensed or unlicensed, when operated off public roadways, except when such sounds are received in Class A EDNAs.

- G. Proviso. Nothing in these exemptions is intended to preclude the planning director from requiring installation of the best available noise abatement technology consistent with economic feasibility.
- H. For any source of sound which is periodic or impulsive and which is not measured with a sound level meter capable of accurately measuring impulsive sound, the levels established by this section shall be reduced by five dBA.

Section 7 Motor vehicle noise levels.

- A. No person shall operate any motor vehicle or any combination of such vehicles upon any public highway under any conditions of

vehicle in Table II, as measured at a distance of 50 feet from the center of the lane of travel within the speed limits specified, under procedures established by the State Commission on Equipment in Chapter 204-56 WAC, Procedures for Measuring Motor Vehicle Sound Levels.

Table II
In-Use Motor Vehicle Noise Performance Standards
Measured at Fifty Feet

Vehicle Category (type)	Maximum Sound Level dBA		
	Speed Zones		
	45 mph or less	Over 45 mph	Stationary Test
Motorcycles	78	82	N/A
Automobiles, light Trucks and all other motor vehicles 10,000 pounds GVWR or less	72	78	N/A
	35 mph or less	Over 35 Mph	
All motor vehicles over 10,000 pounds GVWR before 1986	86	90	86
All motor vehicles over 10,00 pounds GVWR, 1986 and after	(Reserved)	(Reserved)	(Reserved)

- B. No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table III for the category and year of vehicle, as measured at a distance of 20 inches from the exhaust outlet under procedures established by the State Commission of Equipment in Chapter 204-56 WAC, Procedures for Measuring Motor Vehicle Sound Levels.

Table III
In-Use Motor Vehicle Exhaust System Noise
Performance Standards
Measured at Twenty Inches

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	Before 1986	99
	1986 and after	(Reserved)
Automobiles, light trucks And all other motor vehicles 10,000 pounds GVWR or less	Before 1986	95
	1986 and after	(Reserved)

- C. Motor vehicle noise enforcement procedures are as follows”
1. Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications for Sound Level Meters as required under measurement procedures established in Chapter 204-56 WAC, Procedures for Measuring Motor Vehicle Sound Levels.
 2. Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of Chapter 46.37 RCW.
 3. Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.
 4. Any enforcement officer who by use of the initial inspection procedures of Chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.
 5. Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

Section 8 Administration

- A. The Granite Falls Police Department is authorized to administer and enforce the provisions of this chapter concerning noise disturbances and motor vehicle noise.

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- B. The Granite Falls planning department is authorized to administer and enforce those provisions of this chapter concerning all other noises created by residential, commercial and industrial sources.
- C. All City departments are authorized to assist the police and planning departments in the administration and enforcement of this chapter.

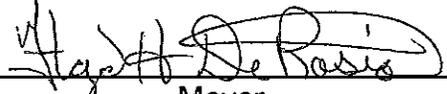
Section 9 Penalty for violations

Any person convicted of a violation of GFMC is guilty of a misdemeanor; provided, however, that violation of GFMC, when said violation occurs from a stereo or radio in a motor vehicle as defined in this chapter, shall be a Class 1 civil infraction as defined in RCW 7.80.120.

SECTION 10

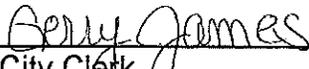
This Ordinance shall be in full force and effective upon its approval, passage and publication.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 8 day of *January*; 2003.



Mayor

Attest:



City Clerk

Approved as to form:



City Attorney

FIRST READING:
SECOND READING:
DATE OF PUBLICATION:
EFFECTIVE DATE:

December 23, 2002
January 8, 2003
January 27, 2003
February 1, 2003