AN ORDINANCE of the City of Kent, Washington, providing for the control of noise within all areas of the City, designating the Building Department as the Noise Control office, providing for exemptions and providing for penalties for violations of the Ordinance and repealing Ordinance 1993 of the City of Kent.

WHEREAS excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and

WHEREAS a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated; and

WHEREAS the people have the right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life;

NOW, THEREFORE, it is the policy of the City of Kent to prevent excessive noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life, and

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

Section 1.1. TITLE. This Ordinance may be cited as the "Noise Control Ordinance of Kent".

Section 1.2. SCOPE. This Ordinance shall apply to the control of all sound and vibration originating from stationary sources within the limits of the City of Kent.

Section 1.3. DEFINITIONS.
"EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

"Ambient Sound Level" means the background level of all sound in a given environment independent of the specific source being measured.

"dBA" means the sound pressure level in decibels mea-
sured using the "A" weighting network on a sound level meter as specified in the American National Standards Institute specifications S 1.3-1971 for sound level meters.

"Emergency Machinery and Work" means machinery and work necessary to restore property to a safe condition following a public calamity, or machinery and work required to protect persons or property from an imminent exposure to danger.

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

"Noise Disturbance" means any sound which annoys, disturbs or perturbs persons with normal sensitivities; or any sound which injures or endangers their comfort, health, hearing, peace or safety.

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

"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.

"Receiving Property" means real property at the boundaries of which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

"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 publication S 1.4-1971.

"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 or dB(A).

"Impulsive Sound" means a sound of short duration usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop force impacts and the discharge of firearms.

Section 1.4. STATE ENABLING LEGISLATION AS IT APPLIES TO THIS ORDINANCE. This Ordinance is in conformance with Chapter 70.107 of the Revised Code of the State of Washington.

Section 1.5. ADMINISTERING AUTHORITY. The Building Department shall have primary responsibility for enforcement of the Noise Control Program established by Section 1.6 of this Ordinance.
Section 1.6. NOISE CONTROL OFFICE (NCO)

Program Development. The Building Department shall be designated the Noise Control Office (NCO) for enforcement of this Ordinance and for the general purpose of sound and vibration abatement and control; the Noise Control Office (NCO) shall have, in addition to any other authority vested in it, the power to:

1. Conduct, or cause to be conducted, research monitoring, and other studies related to sound and vibration.

2. Conduct programs of public education regarding the Noise Control and Abatement Program.

3. Coordinate the noise control and abatement activities of all municipal departments.

4. Prepare and present recommendations to the City Council on the designation of certain areas as quiet zones. These noise sensitive areas may include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals, and nursing homes.

5. Study the existing system of truck routes within the community; determine areas with a recognizable sensitivity to sound and vibration which are impacted by trucks; recommend changes or modification to the truck routes to minimize the sound and vibration on residential areas and quiet zones.

6. Develop a generalized sound exposure map of the City, a long term plan for achieving a desired level of quiet in the City, and coordinate with the Planning Department the integration of this plan into the Comprehensive Planning process of the City.

Section 1.7. NOISE CONTROL OFFICE (NCO)

Responsibilities and Powers

1. The issuance of warnings, abatement notices, and citations of violation on the abatement and control of noise.

2. The granting of time extensions according to procedures specified in Section 4.10.

3. The reviewing of any permit, license, zone change, or proposed land use which may be subject to review by City personnel, wherein noise disturbances may be a factor, to insure compliance with the intent
and provisions of this Ordinance.

(4) Coordinate the noise control activities of all municipal departments and work with appropriate municipal, county, state, and federal agencies to implement the purposes of this Ordinance and, where appropriate, enter into contracts with the approval of the City Council for the procurement of technical and enforcement services.

SECTION II

Section 2.1. GENERAL PROHIBITIONS. It shall be unlawful for any person within the limits of the City of Kent to make, continue, or cause to be made or continued or cause any prohibited excessive, or unusually loud noise to create a noise disturbance or to exceed the maximum permissible noise levels specified in Section 4.1 of this Ordinance.

Section 2.2. SPECIFIC PROHIBITIONS. The following acts, among others, are declared to be loud, disturbing and excessively noisy, and in violation of this Ordinance, but said enumeration shall not be deemed exclusive, namely:

(1) Using or operating any mechanical or electronic device or loudspeaker in a fixed or movable position exterior to any building, or mounted upon motor vehicles, aircraft, or motorboats for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, or sale or display of merchandise, where the sound therefrom may be heard upon any public street, park, or place. Nothing in this Section is intended to prohibit incidental sounds emanating from a sporting or entertainment or a public event for which a permit has been issued. Exempt from this prohibition are vendors whose sole method of selling is from a moving vehicle. Such vendors include ice-cream vendors and vegetable vendors. Noise levels emitting from noise devices on such vehicles may not exceed the maximum permissible environmental noise levels contained in Section 4.1.

(2) Selling anything by outcry within an area of the City zoned primarily for residential uses, except
by permit.

(3) 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 apply equally to private and public facilities, including any animal pounds, which hold or treat animals.

(4) Repairing, or rebuilding, modifying, or testing any motor vehicle, off-road vehicle or motorboat in or near a residential use district in such a manner as to cause noise disturbance or violate the provisions of Section 4.

(5) Operating, or permitting to be operated, any loudspeaker or other source of sound in any place of public entertainment which produces maximum levels of 95 dBA at any point that is normally occupied by a person, without a conspicuous and legible sign located outside such place, near the entrance, stating, "WARNING! SOUND ENVIRONMENT WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT".

(6) Operating or permitting the operation of any motor vehicle racing event at any place except an authorized track and in a manner approved by the NCO or a designated representative to minimize noise disturbance.

(7) Creating any unnecessary or unusually loud noise within the vicinity of any school or other institution of learning, hospital, nursing home, court, 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 quiet zone.

SECTION III

Section 3.1. ENVIRONMENTAL DESIGNATIONS FOR NOISE ABATEMENT. Environmental Designations for Noise Abatement (EDNA) are hereby declared. They are based primarily on the Zoning Code, but also take into consideration the past, present, and future usage, as well as the usage of adjacent and other lands in the vicinity. Designation of such EDNA's 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) Recreation 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).
(e) Ice cream and vegetable vendor vehicles.

(2) **Class "B" EDNA** - Lands involving uses requiring protection against noise interference with speech. Typically, **Class B EDNA** will be the 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, (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 of durable and non-durable man-made goods.
(c) Agricultural and Silvicultural property used for the production of crops, wood products or livestock.

**Section 3.2. ZONING CLASSIFICATION FOR EDNA's.** The following land use zoning classifications as found in the Kent Zoning Code are hereby assigned the EDNA classification below:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>EDNA</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA, R-1, MR-D, MR-M</td>
<td>Class A</td>
</tr>
<tr>
<td>MR-H, MR-G, MHP, PUD</td>
<td></td>
</tr>
<tr>
<td>O, NCC, CC, DC, HC, GC, CM</td>
<td>Class B</td>
</tr>
<tr>
<td>MA, M-1, M-2, M-3, SU (Extractive Industries)</td>
<td>Class C</td>
</tr>
</tbody>
</table>
SECTION IV

Section 4.1. 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 below in this Section, with the point of measurement being at any point within the receiving property. The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

<table>
<thead>
<tr>
<th>EDNA OF NOISE SOURCE EDNA OF RECEIVING PROPERTY</th>
<th>Class A</th>
<th>Class B</th>
<th>Class C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>55 dBA</td>
<td>57 dBA</td>
<td>60 dBA</td>
</tr>
<tr>
<td>Class B</td>
<td>57 dBA</td>
<td>60 dBA</td>
<td>65 dBA</td>
</tr>
<tr>
<td>Class C</td>
<td>60 dBA</td>
<td>65 dBA</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

Section 4.2. 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 Table I shall be reduced by 10 dBA for receiving property within Class "A" EDNA's.

(2) At any hour of the day or night the applicable noise limitations in Table I and in Paragraph (1) above may be exceeded for any receiving property by no more than:
   (a) 5 dBA for a total of 15 minutes in any one hour period; or
   (b) 10 dBA for a total of 5 minutes in any one hour period; or
   (c) 15 dBA for a total of 1.5 minutes in any one hour period.

Section 4.3. DAYTIME EXEMPTION. The following shall be exempt from the provisions of Section 4.1 between the hours of 7:00 a.m. and 10:00 p.m.

(1) Sound 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 operations, 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.

Section 4.4. NIGHTTIME EXEMPTION. The following shall be exempt from the provisions of Section 4.2(1):

(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, over 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, which would affect exemptions under this provision, require approval of the NCO.

Section 4.5. EXEMPTIONS OTHER THAN RESIDENTIAL. The following shall be exempt from the provisions of Section 4.1., except insofar as such provisions related to the reception of noise within Class "A" EDNA's between the hours of 10:00 p.m. and 7:00 a.m.

(1) Sounds originating from forest harvesting and silvicultural activity.

Section 4.6. OTHER EXEMPTIONS. The following shall be exempt from all provisions of Section 4.1:

(1) Sound created by the normal operation of motor vehicles upon a public right-of-way.

(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 vehicles 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 caused by natural phenomena and unamplified human voices.

(11) Sounds created by watercraft.

(12) Sounds caused by motor vehicles, licensed or unlicensed, when operated off public highways, EXCEPT when such sounds are received in Class "A" EDNA's.

(13) Sounds originating from natural gas transmission and distribution facilities installed prior to September 1, 1975 shall be exempt from all provisions of this Ordinance until the Department of Ecology amends WAC 173-60. The noise control officer shall make recommendations to the City Council concerning this exemption after the Department of Ecology completes its action.

SECTION V

Section 5.1. EMERGENCY EXEMPTION. 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 Ordinance.

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 5.2. PERMIT ISSUANCE. The NCO is authorized to grant permits as required by any provision of this Ordinance as subject to such limitations as to area, noise levels, time limits and other terms and conditions as it determines are appropriate to protect public health, safety, and welfare from the noise emanating therefrom. This Section shall in no way affect the duty to obtain any other permit or license required by law for such activities.

Section 5.3. EXTENSIONS FOR COMPLIANCE.

(1) Upon good cause shown by the owner of any noise source, the Building Department (NCO) shall have the power to grant an extension from the operation of this Ordinance in order to allow sufficient time for installation of needed control equipment, facilities, or modifications to achieve compliance not to exceed 30 days; PROVIDED, that such extension may be renewed for an additional like period, but only if satisfactory progress toward compliance is shown.

(2) Any person seeking an extension shall file a petition with the NCO. The NCO shall promptly give written notice of such petition to any person who has requested notice of such extension petitions, and shall publish notice within 5 days of such petition in a newspaper of general circulation within this municipality. If the NCO, in his discretion, concludes that a hearing would be advisable, or if any person files a written request for a hearing or a written objection to the grant of such extension within 15 days of the notice provided herein, a public hearing before the City Council shall be held on the petition. A written transcript shall be kept of any such hearing. No permit shall be issued for any extension until the 15 day review period has ended.

(3) In granting or denying an extension the NCO shall file and publish a written order, stating the facts and reasons leading to the decision.

SECTION VI

Section 6.1. COMPLAINTS REGARDING VIOLATIONS. When-
ever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Department (NCO). The NCO shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 6.2. VIOLATIONS: MISDEMEANOR. Any person who violates any of the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (100) dollars or be imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 6.3. MANNER OF ENFORCEMENT. The Director of the Building Department (NCO) or his duly authorized representative(s) are hereby empowered and it shall be their duty to enforce all provisions of this Ordinance.

Violations of this Ordinance shall be prosecuted in the same manner as other misdemeanor violations of the City's Code, provided, however, that in the event of violation or a complaint as to a possible violation, the alleged violator shall have been duly notified as to the violation and any course of action that the City would take to secure compliance.

Once the NCO has identified a noise violation, the alleged violator shall be issued a letter of violation asking for compliance; failure to comply within a prescribed time shall warrant the issuance of an abatement notice, said notice shall be final notice before legal action is taken by the City. Unless an extension of time to comply has been granted, within three days of the abatement of violation deadline, the NCO shall remit the matter to the City Attorney for legal compliance.

Section 6.4. SEVERABILITY. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
SECTION VII

Section 7.1. Ordinance 1993 be and same is hereby repealed in its entirety.

Section 7.2. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 1 day of September, 1978.
APPROVED the 22 day of September, 1978.
PUBLISHED the 25 day of September, 1978.

I hereby certify that this is a true copy of Ordinance No. 2113, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)