

ORDINANCE NO. 146

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE NO. 49, WHICH ADOPTED PIERCE COUNTY CODE CHAPTER 8.72 BY REFERENCE, BY ADOPTING MORE STRINGENT REGULATIONS ON CONSTRUCTION NOISE AND HOURS OF CONSTRUCTION WITHIN CITY LIMITS AND ESTABLISHING A SUNSET PROVISION FOR THIS ORDINANCE

WHEREAS, the City Council of the City of University Place desires to preserve the quality of life within the city, while permitting necessary and desirable construction projects to proceed; and

WHEREAS, the City Council finds that construction activities occurring near residential areas constitute a public nuisance due to the disruptive effects of noise emanating from such activities when conducted during evening and early morning hours and that the hours of such construction should be regulated in order to promote public health, safety and welfare; and

WHEREAS, the City Council feels it is in the City's best interests to limit citizens' harmful exposure to construction noises; and

WHEREAS, in Ordinance No. 49, the City adopted Chapter 8.72 (Motor Vehicles and Public Disturbance Noise) of the Pierce County Code by reference; and

WHEREAS, limiting hours of construction will not be materially detrimental to public health, safety and general welfare, but will promote all of these; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amending Ordinance No. 49 by Amending Chapter 8.72 of the Pierce County Code, which was Adopted by Reference.

Chapter 8.72.110 (Exemptions) is hereby amended to read as follows:

A. Between the hours of 7:00 a.m. and 9:00 p.m. on Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturdays, Sundays and Holidays, the following shall be exempt from this Chapter; however, other state and local restrictions may apply:

1. Sounds originating from a single residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
3. Sounds created by blasting;

4. 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;

5. Sounds created by the installation or repair of essential utility services;

6. Sounds created by the discharge of legal fireworks are exempt from this Chapter only during the specific days, times, and in the locations where discharge is allowable pursuant to existing state and local law (e.g. Chapter 5.08 PCC);

7. Sounds originating from forestry activities (although they are not similarly exempted from Chapter 8.76).

B. The following shall be exempt from this Chapter; however, other state and local restrictions may apply:

1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;

2. Sounds 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 fifteen hours per day as a consequence of process necessity and/or demonstrated routine normal operation. changes in working hours which would effect exemptions under this regulation require approval of the Tacoma-Pierce County Health Department.

3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;

4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby non-conforming;

5. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;

6. Sounds created by surface carriers engaged in interstate commerce by railroad;

7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);

8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;

9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community;

10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under valid permit or license;

11. Sounds originating from officially-sanctioned parades and other public events under valid permit or license;

12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible.

C. Exceptions to this Chapter:

The City Public Works Director, or his designee, may, when work is of urgent necessity and in the interest of public safety and convenience, permit construction noises and construction in public rights-of-way and public facilities at hours other than those listed in Section 1. Any such permission shall be granted in writing.

Section 2. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the Ordinance or the application of the provisions of this Ordinance to other persons or circumstances shall not be affected.

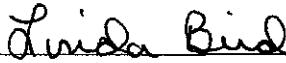
Section 3. Publication and Effective Date.

A summary of this Ordinance, consisting of its title, shall be published in the official newspaper of the City. This Ordinance shall be in full force and effect five (5) days after publication.

Section 4. Sunset Provision.

Unless extended by the City Council by ordinance, the provisions of this ordinance shall expire at 11:59 p.m. on June 30, 1998. The expiration of this ordinance shall have no effect on any civil or criminal proceeding relating to a violation which occurred while the ordinance is in effect.

PASSED BY THE CITY COUNCIL ON JUNE 2, 1997.




Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: June 5, 1997
Effective Date: June 10, 1997

UNOFFICIAL DOCUMENT