

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2326

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE CITY’S PUBLIC DISTURBANCE NOISE REGULATIONS RELATED TO CONSTRUCTION ACTIVITY AND TEMPORARY REAL PROPERTY MAINTENANCE AND REPAIR PROJECTS BY AMENDING SMC SECTION 8.16.010(K-L); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 8.16 Snohomish Municipal Code regulates public disturbance noise and defines public disturbance noises as sounds originating from residential real property relating to temporary projects for the maintenance or repair of homes and sounds originating from construction sites and activities, if they occur between 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 9:00 a.m. weekends; and

WHEREAS, in the interest of the public health, safety, and welfare of Snohomish residents the City Council desires to amend SMC 8.16 so construction noise and noise from home repair and maintenance projects will end earlier than 10:00 p.m.; and

WHEREAS, on November 1, 2016, at a duly noticed public meeting the City Council discussed the noise issue and the possibility of amending the public disturbance noise regulations; and

WHEREAS, on April 4, 2017, a public hearing on the proposed amendments set forth herein was held before the City Council and all persons wishing to be heard were heard; and

WHEREAS, the City Council found the proposed amendments to be in the interest of the public health, safety, and welfare of Snohomish residents;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. SMC 8.16.010 – Definitions, Amended. Subsections SMC 8.16.010(K) and SMC 8.16.010(L) are hereby amended to read as follows:

8.16.010 Definitions. For the purposes of this chapter, the following definitions shall apply:

“Public Disturbance Noise” shall mean the following sources of sound unless exempted by the next section SMC 8.16.020:

- K. Sound originating from residential real property relating to temporary projects for the maintenance or repair of homes, grounds or appurtenances, including sounds from hammering, power lawnmowers, power hand tools, snow removal equipment and the like when the same occurs between the hours of 9:00 p.m. and 7:00 a.m. weekdays and 9:00 p.m. and 9:00 a.m. on weekends and legal holidays;
- L. Sounds originating from construction sites and activities, including but not limited to sounds from staging (on and near the construction site) and the warming

up and operation of heavy construction equipment, power tools and hammering between the hours of 9:00 p.m. and 7:00 a.m. weekdays and 9:00 p.m. and 9:00 a.m. on weekends and legal holidays, except such sounds which arise from emergency construction work to protect public or personal health and safety.

Section 2. SMC 8.16.020 – Exemptions, Amended. SMC 8.16.020 is hereby amended to add a new subsection “K” to read as follows:

8.16.020 Exemptions. Though the following sources of sound may fall within the definitions of a “public disturbance noise” as defined in the previous section, the following sounds shall be exempt and shall not be public disturbance noise:

K. Noise originating from construction sites and activities for a City, State, or Federal public works or emergency repair project.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 4. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 4th day of April, 2017.

CITY OF SNOHOMISH

By _____
TOM HAMILTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
PAT ADAMS, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date (5 days after publication): _____