

ORDINANCE NO. 3989

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE 5.30 TO DEFINE “FREQUENT, REPETITIVE OR INTERMITTENTLY CONTINUOUS” IN SECTION 5.30.020, TO AMEND LANGUAGE REGARDING CITIZEN COMPLAINTS IN SECTION 5.30.140, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF CHAPTER 5.30 IN SECTION 5.30.150; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section 5.30.130 of the Edmonds City Code regards public disturbance noises without defining the terms “frequent, repetitive or intermittently continuous” in the “Definitions” section of the Edmonds City Code, Section 5.30.020; and

WHEREAS, the amendment to Section 5.30.140 is intended to clarify the City’s role in reviewing complaints received regarding noises that may constitute a nuisance, including a review by the City’s noise control administrator; and

WHEREAS, the City of Edmonds has determined that the penalties for violations of Chapter 5.30 of the Edmonds City Code as identified in Section 5.30.150 should be assessed in a tiered system, allowing for both civil infractions and criminal misdemeanors for repeated violations;

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 5.30.020 of the ECC, entitled “Definitions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

As used in this chapter, the following terms shall have the following meanings. All technical terminology used in this chapter and not defined specifically herein shall be interpreted in conformance with American National Standards Institute’s Specifications.

A. “dB(A)” means the sound level measured in decibels, using the “A” weighting network on a sound level meter.

B. "District" means the land use zone to which the provisions of this chapter are applied.

For the purposes of this chapter:

1. "Residential district" includes all R classified zones and includes the Open Space zone.

2. "Business" zone means all zones designated BN or BC.

3. "Commercial" zones include all zones classified CW or CG.

C. "Emergency work" means work required to restore property to a safe condition following a public calamity, work required to protect persons or property from an immediate exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility services.

D. "Equipment" means any stationary or portable device or any part thereof capable of generating sound.

E. "Frequent, repetitive or intermittently continuous sounds" mean sounds that are continuous for a period of ten (10) or more minutes or intermittent for a period totaling twenty (20) or more minutes.

EF. "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

FG. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways. Aircraft, watercraft, and vehicles used exclusively on stationary rails or track are not motor vehicles as that term is used herein. It includes motorcycles unless distinction is made in the context of use.

GH. "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 that farm tractors and vehicles powered by engines of less than five horsepower shall not be included.

HI. "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 sound resulting therefrom.

IJ. “Noise control administrator” means the person designated by the mayor to enforce the provisions of this chapter. In addition to the noise control administrator, any police officer may enforce the provisions of this chapter.

JK. “Person” means any individual, firm, association, partnership, corporation or any other entity, public or private.

KL. “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 another or others, and its vertical extension.

LM. “Receiving property” means the real property within which sound originating from outside the property is received.

MN. “Race vehicle” means a motor vehicle not licensed for use on the public streets and/or which is used primarily for sanctioned or unsanctioned racing events. Race vehicle shall also include power boats used primarily for racing events.

NO. “Sound level meter” means a sound level measuring device either type I or type II certified special use meters as defined by American National Standards Institute’s Specifications.

Section 2. Section 5.30.140 of the ECC, entitled “Citizen complaints,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

5.30.140 Citizen complaints.

Whenever it is stated in writing by three or more persons having separate residences in a neighborhood that any person is violating any of the provisions of this chapter, the noise control administrator or his/her designee shall review such complaints. After the noise control administrator or his/her designee determines that a violation has occurred, the administrator or his/her designee shall advise the person-owner of the complaint and that such violation is a nuisance and must cease. Failure of any person to cease any violation of this chapter shall be deemed a misdemeanor subject to penalties as established in this chapter.

Section 3. Section 5.30.150 of the ECC, entitled "Penalties," is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

5.30.150 Penalties.

A. Any person violating any provision of this chapter shall be guilty of a civil infraction, which shall be punishable by a fine of \$100.

B. Any person committing a second violation of any provision of this chapter within one calendar year shall be guilty of a civil infraction, which shall be punishable by a fine of \$250.

C. Any person committing a third violation of any provision of this chapter within one calendar year shall be guilty of a misdemeanor and, upon conviction thereof, be sentenced to a fine not to exceed \$1,000 and/or 90 days in jail.

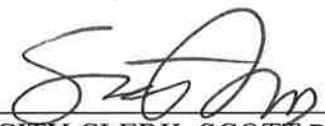
Section 4. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance is subject to referendum and shall take effect thirty (30) days after final passage of this ordinance.

APPROVED:

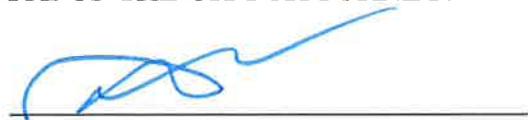

MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY



JEFF TARADAY

FILED WITH THE CITY CLERK:	January 30, 2015
PASSED BY THE CITY COUNCIL:	February 3, 2015
PUBLISHED:	February 8, 2015
EFFECTIVE DATE:	February 13, 2015
ORDINANCE NO.	3989

SUMMARY OF ORDINANCE NO. 3989

of the City of Edmonds, Washington

On the 3rd day of February, 2015, the City Council of the City of Edmonds, passed Ordinance No. 3989. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE 5.30 TO DEFINE "FREQUENT, REPETITIVE OR INTERMITTENTLY CONTINUOUS" IN SECTION 5.30.020, TO AMEND LANGUAGE REGARDING CITIZEN COMPLAINTS IN SECTION 5.30.140, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF CHAPTER 5.30 IN SECTION 5.30.150; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of February, 2015.

CITY CLERK, SCOTT PASSEY

RECEIVED

MAR 02 2015

EDMONDS CITY CLERK

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH614259 ORD 3988, 3989, 3990 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/08/2015 and ending on 02/08/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$61.92.

Kathleen Landis

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

Subscribed and sworn before me on this
27 day of February
2015.

Debra Ann Grigg

Notary Public in and for the State of Washington.

SUMMARY OF ORDINANCES

of the City of Edmonds, Washington

On the 3rd day of February, 2015, the City Council of the City of Edmonds passed the following Ordinances. A summary of the content of said ordinances, consisting of titles, are provided as follows:

ORDINANCE NO. 3988

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE CHAPTERS 5.05, 5.30, 16.20, 16.30 AND 17.35, TO CONSOLIDATE EDMONDS CITY CODE SECTIONS DEALING WITH ANIMAL CONTROL INTO CHAPTER 5.05, TO AMEND THE ANIMAL NOISE PROVISION OF SECTION 5.05.115, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF SECTION 5.05.115; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3989

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS CITY CODE 5.30 TO DEFINE "FREQUENT, REPETITIVE OR INTERMITTENTLY CONTINUOUS" IN SECTION 5.30.020, TO AMEND LANGUAGE REGARDING CITIZEN COMPLAINTS IN SECTION 5.30.140, AND TO AMEND THE SYSTEM OF PENALTIES FOR VIOLATIONS OF CHAPTER 5.30 IN SECTION 5.30.150; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3990

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 3985 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of these Ordinances will be mailed upon request.
DATED this 4th day of February, 2015.

CITY CLERK, SCOTT PASSEY

Published: February 8, 2015.

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