

**CITY OF COLVILLE**  
**REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA**

*Please submit the completed form to:*

**Colville City Clerk**  
170 South Oak  
Colville, WA 99114  
[hpannell@colville.wa.us](mailto:hpannell@colville.wa.us)

**RECEIVED**

JUL 16 2018

CITY OF COLVILLE  
CITY CLERK

**Name:** NE WA Fair - Lois Matlock

**Address:** 317 W ASTOR

**Telephone number:** 509 680 6300

**E-mail address:** L.MATLOCK@STEVENS COUNTY WA.GOV

Please use the spaces below or attach a separate sheet to provide a detailed explanation of your request, please include as much information as possible including names, dates, times, funding needed, etc.

**Type of Request:**

Information Only

Discussion Only

Decision Needed

**Background of Situation:**

Fair Dance Aug 25 2018 Fair grounds 9-Midnight Kelly Hughes

**Funding Needed:**

**Attachments:**

**Council Action Requested:**

Approval For Noise Variance

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# M E M O R A N D U M

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**DATE:** July 17, 2018  
**TO:** All Department Heads  
**FROM:** Holly Pannell, MMC, PFO, City Clerk/Human Resources Manager  
**RE:** Request For Noise Variance

Lori Matlock with NE Washington Fair has submitted a request for a variance to the noise ordinance on August 25, 2018 from 9:00 p.m. to midnight for amplified music at the NE Washington Fair Grounds.

This issue will be an agenda item for the August 14, 2018 City Council meeting. This information is being provided to you for the purpose of staff research and requires a recommendation for action to the City Council. **All department heads are required to respond in some manner to this request.**

All staff input/recommendations are due back to me no later than Wednesday, August 8, 2018 in order to be included in the City Council packet for the 14<sup>th</sup>.

If you have any questions, please feel free to contact me.

Memos/Dept Head Agenda Items/Fair Dance

## Chapter 9.45 NOISE REGULATIONS

### Sections:

- 9.45.010 Purpose.
- 9.45.015 Definitions.
- 9.45.020 Finding of special conditions.
- 9.45.030 Public disturbance noise.
- 9.45.035 Sound level measurement requirements.
- 9.45.040 Exemptions.
- 9.45.045 Content of sound.
- 9.45.050 Variances.
- 9.45.055 Violation – Penalty.
- 9.45.060 Severability.

### **9.45.010 Purpose.**

The purpose of this chapter is to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise. The intent of the city council is to control the level of noise pollution in a manner which promotes commerce, the use, value, and enjoyment of property, sleep and repose, and the quality of the environment by establishing maximum environmental noise levels applicable within designated areas or zones of the city, and to adopt appropriate exemptions to the provisions of this chapter to allow for the functioning of commercial business and the operation of construction and emergency equipment, and to declare certain noise-producing activities to be noise disturbances. (Ord. 1573 NS § 1, 2016).

### **9.45.015 Definitions.**

All terminology used in this chapter which is not defined below shall be interpreted in conformance with the most recent definitions used by the American National Standards Institute (ANSI) or its successor body, where applicable.

- A. "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of pressure of the sound to a reference pressure of 20 micropascals.
- B. "Noise disturbance" means any sound which annoys, disturbs, or perturbs reasonable persons with normal sensitivities, or any sound which unreasonably injures or endangers the comfort, repose, health, hearing, peace, or safety of persons or animals.
- C. "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a violation or causes or permits a violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a violation occurs.
- D. "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.
- E. "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

F. "Sound amplification equipment" means any machine or device for the amplification of the human voice, music or any other noise or sound.

G. "Sound level" means a weighted sound pressure level measured by the use of a sound level meter using an A-weighted network and reported as decibels, dBA.

H. "Sound level meter" means a device which measures sound pressure levels and conforms to Type I, S1A, Type II or S2A, as specified in the American National Standards Institute Specification Section 1.4 (1971) as now exists or as hereafter amended or modified. (Ord. 1573 NS § 1, 2016).

#### **9.45.020 Finding of special conditions.**

The Colville city council is aware of citizen complaints regarding specialized noise occurrences, such as the play of amplified music, the reproduction of amplified speech, the operation of motorized vehicles, and the running of either gas or diesel powered generators all at such volume and duration as unreasonably disturb and interfere with the peace, comfort and repose of others. Such noises constitute a public disturbance. These noise occurrences adversely affect the public health and welfare, the value of property and the quality of the environment and constitute special conditions within the city which make necessary any and all differences between this chapter and regulations adopted by the Washington State Department of Ecology. Any public disturbance noise prohibited by this chapter is hereby declared to be a public nuisance per se. (Ord. 1573 NS § 1, 2016).

#### **9.45.030 Public disturbance noise.**

A. It is unlawful for any person to cause or permit any sound or noise to intrude into the property of another person which sound or noise exceeds the maximum permissible noise levels set forth below in this section. For purposes of this chapter the properties within the city of Colville are as follows:

1. Residential zones – Class A.
2. Commercial zones – Class B.
3. Industrial zones – Class C.

B. 1. The sound and noise limitations established herein are as set forth in the following table after any applicable adjustments provided herein are applied:

<b>Property Sound or Noise Source</b>	<b>Maximum Decibel Reading</b>
Class A	60 dBA
Class B	70 dBA
Class C	75 dBA

2. Between the hours of 10:00 p.m. and 7:00 a.m. the sound and noise limitations of the foregoing table shall be reduced by 10 dBA for Class A residential zones and Class B commercial zones.

3. At any hour of the day or night the applicable noise limitations in subsections (B)(1) and (2) of this section may be exceeded at the sound source for no more than two minutes.

For purposes of this chapter, enforcement shall be undertaken by a person with city delegated authority with respect to violations. For enforcement purposes, each disturbance, defined as a noise that the city delegated

authority writes a citation for due to a violation of this chapter, constitutes a separate violation. (Ord. 1573 NS § 1, 2016).

#### **9.45.035 Sound level measurement requirements.**

For purposes of this chapter, sound measurements shall be taken at the property boundary of the receiving property or anywhere within the receiving property. Sound measurements shall be conducted in accordance with sound level measurement procedures provided by the state of Washington, Department of Ecology, Chapter 173-60 WAC. (Ord. 1573 NS § 1, 2016).

#### **9.45.040 Exemptions.**

The following sounds are exempt from the provisions of this chapter:

- A. Sounds created by fire alarms;
- B. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity;
- C. Sounds created by yard maintenance equipment utilized for yard maintenance purposes between the hours of 7:00 a.m. and 10:00 p.m.;
- D. Sounds created by snow removal equipment being utilized for snow removal purposes;
- E. Sounds created by the installation or repair of essential utilities by a public entity. Essential utilities are electricity, natural gas, water, sewer, and communications;
- F. Sounds from the combined activities of starting, servicing, idling, revving or testing motorized vehicles unrelated to use of the vehicle for the purpose of ingress and egress as provided in subsection (G) of this section. This exemption from the provisions of this chapter only allows these activities for up to five minutes in any four-hour period between the hours of 7:00 a.m. and 10:00 p.m. If there is more than one vehicle involved, the five-minute limitation applies to all of the vehicles combined;
- G. The operation of motorized vehicles for the purpose of ingress and egress to the property, including idling a vehicle to warm the engine prior to departure from property. This is limited to what is customary for a reasonably prudent resident of the city of Colville. However, for purposes of warm-up of a vehicle, idling is limited to 10 minutes for all vehicles except commercial diesel vehicles, which are limited to 20 minutes;
- H. Sounds originating from officially sanctioned parades and other public events;
- I. *Repealed by Ord. 1599 NS;*
- J. Noise from existing industrial installations which exceeds 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;
- K. Sounds created by safety crews. This includes regular maintenance and repair, as well as emergencies, and work done for the health and safety of the community or individuals. (Ord. 1599 NS § 1, 2017; Ord. 1573 NS § 1, 2016).

#### **9.45.045 Content of sound.**

The content of the sound will not be considered in determining a violation of this chapter. (Ord. 1573 NS § 1, 2016).

**9.45.050 Variances.**

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The city council or a committee thereof designated by the city council may, upon written application filed with the city clerk, grant a variance from any of the provisions of this chapter.

A. A variance shall be granted only after public hearing by the city council, or by such designated committee thereof.

B. Upon the filing of an application for variance from the terms of this chapter, the city clerk shall give notice of the application and notice of the time, date and place of hearing of the application. Such notice shall be published one time in the city's official newspaper; publication shall be at least five days prior to the date of hearing. The applicant shall pay for the cost of the publication of the notice.

C. Any person may appear at such hearing and be heard, either for or against the application.

D. Any variance granted and any special permit issued thereunder shall state the nature of the activity, and the date, times and place for which the variance is granted, and shall state any special provisions or limitations applicable to the exercise of the variance.

E. Upon the granting of a variance the chief of police shall issue a special permit to the applicant to conduct the activity for which a variance has been granted.

F. Any activity conducted under a variance and special permit shall conform strictly to the terms and provisions of the variance and special permit. (Ord. 1573 NS § 1, 2016).

**9.45.055 Violation – Penalty.**

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A. Violations – Unlawful. The violation or failure to comply with any of the provisions of this chapter is declared to be unlawful.

B. Criminal Violations. Any person who violates the provisions of this chapter is guilty of a misdemeanor. For the third violation and each subsequent violation by any person in a one-year period, that person is guilty of a gross misdemeanor as an habitual offender. In addition to the criminal violation, the city shall issue a fine pursuant to Chapter 1.10 CMC:

1. For the first violation of this section within any 12-month period a fine of \$100.00;
2. For the second violation of this section within any 12-month period a fine of \$200.00;
3. For the third violation and each subsequent violation of this section within any 12-month period, a fine of \$500.00. (Ord. 1573 NS § 1, 2016).

**9.45.060 Severability.**

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This chapter shall be liberally construed to carry out its broad purposes. If any provision of this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated. (Ord. 1573 NS § 1, 2016).

**The Colville Municipal Code is current through Ordinance 1614 NS, passed June 26, 2018.**

Disclaimer: The City Clerk's Office has the official version of the Colville Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

## **Staff Comments Received for Fair Noise Variance**

1. No issues.  
– RJ Keetch, City Planner
  
2. The Library has no issue with this request.  
- Sarah English, Library Manager
  
3. The Police Department has no issue with this request.  
- Bob Meshishnek, Police Chief
  
4. The Treasurer's office has no issues with this request.  
- Vickie Strong, City Treasurer
  
5. I have no issues with this request as it is an annual event.  
- Jeff Cochran, Public Works Director
  
6. Parks and Recreation Department does not have an issue with this.  
-Jillian Marshall, Parks and Recreation Director
  
7. Fire Department has no issue with noise.  
-Ray Winsor, Fire Chief