

## ATTACHMENT A

### Chapter 9.18 Noise Control

...

#### 9.18.020 Exemptions and authorizations.

...

B. The following sounds, except as provided below, are exempt from the provisions of this chapter at all times if the receiving property is in Class B and Class C EDNAs, and only between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends if the receiving property is located in a Class A EDNA ~~(except as noted below)~~:

...

C. Sounds created by construction and emanating from construction sites are exempt from the provisions of this chapter between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays which are not legal holidays. Sounds emanating from construction sites beyond these exempt hours may only be permitted as follows: on Sundays or legal holidays or outside of the exempt work hours are prohibited pursuant to BCC 9.18.040 unless expanded hours of operation are authorized by the applicable department director subject to the following criteria. Approval of expanded exempt hours may be authorized if:

1. Construction Noise Exemption. Approval from the appropriate director, in the form of a construction noise exemption, is required for any construction-related sounds to emanate from construction sites on Sundays, legal holidays, and outside the exempt work hours. Necessary to accommodate transportation mitigation such as evening haul routes; construction on schools and essential government facilities which cannot be undertaken during exempt hours; construction activities and site stabilization in the fall prior to the onset of winter weather; or emergency work; or
  - a. The exemption may only be approved if the appropriate director determines that an exemption is necessary to accommodate one or more of the following activities:
    - i. Emergency construction work necessary to address immediate hazards to public health, safety, or welfare, as determined by the appropriate Director;
    - ii. Mitigation of transportation impacts or safety hazards related to construction work, including but not limited to: evening or early morning haul routes; tower crane assembly, disassembly, and reconfiguration; concrete pours; placement of mechanical equipment on rooftops; or other transportation impacts or safety hazards related to construction work, as approved by the appropriate Director;
    - iii. Individual construction tasks that require more than 12 consecutive hours to complete.
    - iv. Construction activities occurring outside exempt hours to avoid or mitigate impacts from extreme weather;

## ATTACHMENT A

v. Construction and essential maintenance or repair work of schools; essential utility services; state highway transportation projects; streets or utilities in the public right-of-way; and essential government facilities which cannot be undertaken or completed during exempt hours; or

vi. Sounds created by construction that do not exceed the maximum permissible environmental noise levels contained in BCC 9.18.030 as verified by sound level monitoring conducted before and during construction by a qualified acoustic consultant.

b. Unless otherwise approved by the appropriate director, applicants granted a construction noise exemption, other than those authorized under BCC 9.18.020(C)(1)(a)(i) or 9.18.020(C)(1)(a)(iv), shall provide written notice, in a form and manner approved by the appropriate Director, to all owners and tenants of property adjacent to the construction site at least two weeks prior to starting the construction work covered under the exemption.

2. The construction noise exemption may authorize multiple instances of noise occurring outside of allowed work hours, provided:

a. The construction noise exemption is associated with work authorized by an approved construction permit or state highway project;

b. The construction noise exemption may authorize multiple consecutive or non-consecutive days with noise outside of allowed work hours within a single 30-day period; and

c. The applicant shall provide a schedule and description of all construction activities to occur outside exempt work hours.

3. The appropriate director's decision on a construction noise exemption may be appealed using the process contained in LUC 20.35.250.

...

### 9.18.040 Noise disturbances.

A. All noise disturbances, defined in BCC 9.18.015 and not exempt under BCC 9.18.020, are prohibited at all times. The content of the sound will not be considered in determining a violation. The following acts are considered to be noise disturbances, if the noise is clearly audible across a real property boundary, or at least 75 feet from the source:

...

4. Permitting any sounds created by construction to emanate from a construction site outside the hours that construction sounds are exempt from the provisions of this chapter or outside expanded hours authorized by the applicable department director pursuant to BCC 9.18.020(C);

...

~~6. The foregoing enumeration of acts shall not be construed as excluding other acts which may constitute noise disturbances.~~

**Commented [A1]:** Currently exists as subsection (C)(2). Proposal is to move to new subsection (C)(1)(a)(vi). Legal effect will remain the same, but move will accommodate section restructuring for other proposed changes.

**Commented [A2]:** Currently exists as subsection (A)(6). Proposal is to move to new subsection (B). Legal effect will be the same, but will increase clarity to code user.

## ATTACHMENT A

~~67.~~ Sounds which do not exceed the maximum environmental noise levels set forth in BCC 9.18.030 may constitute noise disturbances; or

7. Violations of BCC 9.18.020(C)(1)(b).

B. The enumeration of acts described in BCC 9.18.040(A) shall not be construed as excluding other acts which may constitute noise disturbances.

### **9.18.045B Development restrictions.**

A. New residential structures shall not be approved for construction if the exterior Ldn anywhere along the proposed building lines of the structure exceeds 65 dBA unless sound attenuation measures are incorporated into the site design and/or the design and construction plans of the structure which are intended to reduce the maximum interior Ldn to 45 dBA or lower. ~~as follows:~~

- ~~1. Forty dBA or lower for sleeping areas; and~~
- ~~2. Forty five dBA or lower for nonsleeping areas.~~

...

### **9.18.046 Variance.**

A. A property owner, or authorized agent of the property owner, may submit a written request to the director of the development services department for a variance from the provisions of this chapter. Upon receipt, the director shall process the request for a variance from the provisions of this chapter using Process II, LUC 20.35.200 et seq. The director's decision to approve, approve with modifications, or deny the request for a variance shall be based on the variance decision criteria outlined in Ch. 173-60 WAC.

B. A variance is not required for construction noise exemptions, which shall be processed pursuant to BCC 9.18.020(C).