

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6426

AN ORDINANCE amending the Bellevue City Code (BCC) Noise Control Code, Chapter 9.18 BCC, for consistency with the new Downtown Code, Land Use Code (LUC) Part 20.25A, and Eastgate LUC amendments; for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the BCC; and establishing an effective date.

WHEREAS, the Bellevue City Council has by Ordinance No. 6366 amended the Bellevue LUC to advance the Eastgate/I-90 Land Use and Transportation Project; and

WHEREAS, the City Council has by Ordinance No. 6377 created a new Part 20.25A in the Bellevue LUC providing for the use and development of properties located within the Downtown Subarea consistent with the Downtown Livability Initiative; and

WHEREAS, consistent with the State Growth Management Act, Chapter 36.70A RCW, the City Council has by separate ordinances adopted updates to the Comprehensive Plan and other development-related codes and regulations as appropriate to respond to and accommodate changing conditions and needs of the City; and

WHEREAS, a purpose of the City's Noise Control Code, Chapter 9.18 BCC, is to minimize the exposure to the harmful physiological and psychological effects of excessive noise, and promote the quality of the environment by establishing maximum environmental noise levels applicable within designated areas or zones of the city; and

WHEREAS, the City desires to effectuate the purposes of the Noise Control Code in Eastgate and Downtown Land Use Districts; and

WHEREAS, accurate cross references and amendments to other sections of the Noise Control Code are necessary to effectively integrate and ensure consistency with the Eastgate LUC amendments, the new Downtown Code, Part 20.25A LUC, and other development-related codes and regulations in the LUC and the BCC, and to generally clean-up and correct errors, omissions and/or internal conflicts within the Noise Control Code; and

WHEREAS, the Noise Control Code amendments proposed herein are to be known as the Noise Control Code Conformance Amendments; and

WHEREAS, the City Council will adopt, concurrent with this amendment, separate ordinances for the LUC Conformance Amendments and the Sign Code Conformance Amendments; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.18.020.A.8 of the Bellevue City Code is hereby amended to read as follows:

8. Sounds created by watercraft when regulated by Title 173 WAC, as now or hereafter amended; and

Section 2. Section 9.18.020.A.12 of the Bellevue City Code is hereby amended to read as follows:

12. Sounds from existing industrial installations which exceed 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 normal necessity and/or demonstrated routine normal operation. Changes in working hours, which would increase the average day-night sound level (Ldn), require written approval of the Director of the Development Services Department; and

Section 3. Section 9.18.020.D of the Bellevue City Code is hereby amended to read as follows:

D. Sounds created by sound amplification equipment, and not otherwise permitted pursuant to BCC 9.18.020(A)(13), as now or hereafter amended, are exempt from the provisions of this chapter between the hours of 8:00 a.m. and 5:00 p.m. pursuant to a permit issued by the Director of the Development Services Department. Use of sound amplification equipment may be authorized by the Director of the Development Services Department pursuant to BCC 9.18.045A, as now or hereafter amended.

Section 4. Section 9.18.025.B of the Bellevue City Code is hereby amended to read as follows:

B. The land use districts listed in the city of Bellevue Land Use Code, BCC Title 20, as now or hereafter amended, are classified for the purposes of this chapter as follows:

1. Residential land use districts: R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30.
2. Commercial land use districts: PO, O, OLB, OLB-2, OLB-OS, EG-TOD, NMU, NB, CB, DT-O-1, DT-O-2, DT-MU, DT-R, DT-OB, DT-OLB, F1, F2, F3, MI, BR-R, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-ORT.
3. Industrial land use districts: LI, GC, BR-GC.

Section 5. Section 9.18.044 of the Bellevue City Code is hereby amended to read as follows:

9.18.044 Posting notice of construction hours – When required.

A sign providing notice of the limitation on construction hours contained in BCC 9.18.020C shall be posted on construction sites prior to commencement of any new commercial or single-family construction or commercial addition. Notice signs are not required prior to commencement of additions or maintenance to existing single-family homes. The Director of the Development Services Department shall establish standards for size, color, layout, design, wording and placement of the signs.

Section 6. Section 9.18.045A of the Bellevue City Code is hereby amended to read as follows:

9.18.045A Sound amplification permits.

A. Any person desiring to operate sound amplification equipment consistent with BCC 9.18.020.D, as now or hereafter amended, and the owner of property on which such equipment is proposed to be operated shall jointly file with the Director of the Development Services Department an application for a permit at least one week in advance of the date on which sound amplification equipment is proposed to be operated and shall provide the following information:

1. The name and address of the sound amplification equipment operator, and a phone number where the operator can be reached during the time when the sound amplification equipment is proposed to be in use;
2. The name and address of the property owner for the location described in subsection A.3 of this section if different from the operator, and a phone number where the property owner can be reached during the time when the sound amplification equipment is proposed to be in use;
3. A statement describing the address and location at which the sound amplification equipment will be in operation;

4. A general description of the sound amplification equipment and the purposes for which it is to be used; and

5. A statement designating the proposed time during which the sound amplification equipment will be in operation.

B. Use of sound amplification equipment may be authorized by the Director of the Development Services Department subject to the following criteria:

1. The use of sound amplification equipment shall not be allowed on Sundays or legal holidays;

2. The use of amplified sound equipment shall not be allowed at the same location or on the same property on more than four days in any calendar week;

3. Amplified sound shall be subject to the maximum permissible noise levels for amplified sound set forth in BCC 9.18.030, as now or hereafter amended;

4. Amplified sound shall be subject to the quiet zone prohibitions in BCC 9.18.042, as now or hereafter amended; and

5. No person shall operate or cause to be operated within the city any sound amplification equipment, the sound from which is plainly audible to occupants of a school during school hours or a hospital at any time; provided, that this section does not apply to the operation of sound amplification equipment on school or hospital grounds.

Section 7. Section 9.18.060.B of the Bellevue City Code is hereby amended to read as follows:

B. Enforcement.

1. Civil Noise Infractions. The police department shall be responsible for the enforcement of provisions of this chapter relating to noise disturbances (including associated exemptions) and noise in quiet zones, and is authorized to issue, serve and file notices of civil noise infractions for violations of BCC 9.18.040 and 9.18.042, as now or hereafter amended.

2. Civil Violations. The Director of the Development Services Department shall be responsible for the enforcement of provisions of this chapter relating to stationary noise sources, maximum permissible noise levels and development restrictions, and is authorized to issue civil violations for violations of BCC 9.18.030, 9.18.040.A.4, 9.18.040.A.5 and 9.18.045B, as now or hereafter amended.

3. Construction Hours Posting. The building official shall be responsible for the enforcement of BCC 9.18.044, as now or hereafter amended, relating to the

posting of construction hours as provided for in Chapter 23.05 BCC, as now or hereafter amended.

Section 8. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2018 and signed in authentication of its passage this _____ day of _____, 2018.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Matthew B. McFarland, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____