



City Council Agenda Bill

20032

Bill Number

Subject: Consideration of an ordinance to amend the regulations for public disturbance noise related to construction activities and to discuss conducting a public hearing.

Summary Statement: Noise from construction and industrial activities in residentially zoned areas is regulated by Bellingham Municipal Code (BMC) 10.24.120(C)(4). Council Member Lilliquist presented a draft ordinance at the July 1 work session, which the City Council subsequently voted 6-1 to direct staff to bring forward for consideration to discuss conducting a public hearing. For the reasons previously discussed on July 1, staff continues to recommend the City not take any action to amend the regulation of public disturbance noise related to construction activities. However, due to the fact that City Council could vote on 1st and 2nd reading of this ordinance, staff recommends that at a minimum, a public hearing be held prior to any vote.

Previous Council Action: July 1, 2013; City Council vote to consider ordinance and discuss conducting a public hearing, March 25, 2013; City Council direction to staff.

Fiscal Impact: Undetermined for enforcement activities

Funding Source: N/A

Attachments: Draft Ordinance

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Direction Requested	15-Jul-2013	Other	Jeff Thomas, PCD Director	5 min

Council Committee:

Committee of the Whole
Seth Fleetwood, Chair

Committee Actions:

Council Action:

Agenda Bill Contact:

Jeff Thomas, PCD Director 778-8300

Reviewed By	Initials	Date
Jeff Thomas, PCD Director	JBT	7-9-2013
Cliff Cook, Police Chief		
Legal	AAm	7/9/13
Mayor	KL	7.9.13

ORDINANCE NO. _____

AN ORDINANCE PROTECTING RESIDENTIAL AREAS FROM EVENING NOISE DISTURBANCE BY MODIFYING PERMITTED HOURS FOR CONSTRUCTION RELATED ACTIVITIES, AS SET FORTH IN B.M.C. 10.24.120

WHEREAS, the City of Bellingham has the responsibility and authority to preserve the peace and protect the public welfare; and

WHEREAS, the City of Bellingham through BMC 10.24.120 has a declared policy "to minimize the exposure of all city residents to excessive noise," and has expressed an intent to balance the needs of commerce, the value of use and enjoyment of property, and the interests of residents for sleep and repose while at home; and

WHEREAS, the City of Bellingham recognizes the value and importance of building construction, and recognizes the need to accommodate the sometimes noisy activities that are necessary aspects of that activity, including but not limited to motorized construction and equipment operation, hammering, blasting, drilling, and sawing; and

WHEREAS, existing city noise disturbance rules do not prohibit construction or industrial noises in non-residential areas, and do not prohibit construction noises in residential areas during daytime hours, even when such noise may "unreasonably disturb or interfere with the peace, comfort and repose of others;" and

WHEREAS, the prohibition against loud construction related noise in residentially zoned areas currently applies only to the hours between 10:00 pm and 7:00 am; and other cities have adopted restricted hours that begin as early as 6:00 pm on weekdays and include stricter limits for weekends;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Bellingham Municipal Code, Section 10.24.120(C)(4) is amended to read as follows:

BMC 10.24.120 Public Disturbance Noise

4. Construction and industrial noises, including, but not limited to, motorized construction and equipment operation, hammering, blasting, drilling and sawing in residentially zoned areas, between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and between the hours of 8:00 p.m. and 9:00 a.m. on weekends and federal holidays, which unreasonably disturb or interfere with the peace, comfort and repose of others; provided, that this subsection shall not apply to noises caused by projects required in an emergency to repair public facilities or utilities or to prevent immediate damage or harm to persons or property; and further provided, that this subsection shall not apply if the city council grants a variance from the provisions of

this subsection for the construction or repair of a public facility or utility upon a finding that it is either necessary or in the public interest for all or a portion of the work to be performed between the hours of _____ p.m. and _____ a.m. The council may impose such conditions as it deems appropriate upon the granting of a variance.

PASSED by the Council this _____ day of _____, 2013.

Council President

APPROVED by me this _____ day of _____, 2013.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
