

MLM
09/23/19

ORDINANCE NO. 922

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 9.34 CMC NOISE, REGULATION; REVISING DEFINITIONS AND ENFORCEMENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has adopted regulations to control public nuisance and disturbance noises at Chapter 9.34 CMC; and

WHEREAS, the Public Health & Safety Committee of the Carnation City Council has reviewed the City's noise regulations and recommended amendments as determined appropriate to better allow the City to respond to noise complaints and enforce the regulations; NOW, THEREFORE,

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

Section 1. Amendment of CMC 9.34.020. Section 9.34.020 of the Carnation Municipal Code is hereby amended as follows:

9.34.020 Definitions.

....

"Sound level meter" means a device ~~which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971~~ or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2 or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1983. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1983.

Section 2. Amendment of CMC 9.34.060. Section 9.34.060 of the Carnation

Municipal Code is hereby amended as follows:

9.34.060 Public nuisance and disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance. For the purposes of this section, “public nuisance noise” means any sound that unreasonably annoys, injures interferes with or endangers the comfort, repose, health or safety of a community or neighborhood, although the extent of damage may be unequal. The following sources are defined to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:

....

Section 3. Repeal of CMC 9.34.070. Carnation Municipal Code Section 9.34.070

entitled “Citizen Complaints” is hereby repealed in its entirety.

Section 4. Amendment of CMC 9.34.100. Section 9.34.100 of the Carnation

Municipal Code is hereby amended as follows:

9.34.100 Penalty for violation and enforcement.

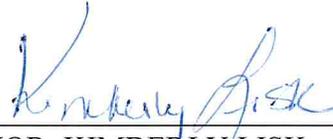
- A. See Chapter 1.16 of this code.
- B. The City’s law enforcement agency may administer this chapter and any rules and regulations adopted or authorized by this chapter in accordance with state law.
- C. Supplement to Other Laws. The provisions of this chapter, and the penalties provided herein, shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action, or remedy provided in this code or by common law.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full

force five (5) days after publication.

APPROVED by the Carnation City Council this 1st day of October, 2019.



MAYOR, KIMBERLY LISK

ATTEST/AUTHENTICATED:



CITY CLERK, MARY MADOLE

FILED WITH THE CITY CLERK: 09/23/2019
PASSED BY THE CITY COUNCIL: 10/01/2019
PUBLISHED: 10/11/2019
EFFECTIVE DATE: 10/16/2019
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