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Ordinance No. 107377

AN ORDINANCE relating to noise control; amending Section 701 of Ordinance 106360 to establish fees required upon application for a variance or renewal of a variance.

May 17, 1978 PS&J PASS

COMPTROLLER
FILE NUMBER

Council Bill No. 98792

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|------------------------------------|--------------------------------|
| INTRODUCED: SEP 26 1977 | BY: EXECUTIVE REQUEST |
| REFERRED: SEP 26 1977 | TO: PUB. SAFETY & JUSTICE |
| REFERRED: | |
| REPORTED: MAY 22 1978 | SECOND READING: MAY 22 1978 |
| THIRD READING: MAY 22 1978 | SIGNED: MAY 22 1978 |
| PRESENTED TO MAYOR: MAY 23 1978 | APPROVED: JUN 1 1978 |
| HELD. TO CITY CLERK: JUN 1 1978 | PUBLISHED: |
| VETOED BY MAYOR: | VETO PUBLISHED: |
| PASSED OVER VETO: | VETO SUSTAINED: |

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ORDINANCE 107377

AN ORDINANCE relating to noise control; amending Section 701 of Ordinance 106360 to establish fees required upon application for a variance or renewal of a variance.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 701 of Ordinance 106360 is amended to read as follows:

Section 701. VARIANCE PROCEDURE.

(a) Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the Administrator for relief from the requirements of this ordinance or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the Administrator may require. In accordance with the Administrative Code, the Administrator shall promulgate rules and regulations governing application for and granting of such variances, including hearings and notice.

(b) Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable fee as follows:

| | |
|--|--------------|
| <u>Temporary Variance</u> | <u>\$25</u> |
| <u>Technical or Economic Variance, Source in</u> | |
| <u>Rural or Residential District</u> | <u>\$100</u> |
| <u>Technical or Economic Variance, Source in</u> | |
| <u>Commercial or Industrial District</u> | <u>\$200</u> |

(c) A variance or its renewal shall not be a right of the applicant or holder thereof but shall be at the reasonable discretion of the Administrator.

1 (d) No variance shall be granted pursuant to this
2 section until the Administrator has considered the relative
3 interests of the applicant, other owners or possessors of
4 property likely to be affected by the noise, and the general
5 public. A technical or economic variance may be granted
6 only after a public hearing on due notice. The Administrator
7 may grant a variance, if he finds that:

- 8 (1) The noise occurring or proposed to occur does not
9 endanger public health or safety; and
10 (2) The applicant demonstrates that the criteria
11 required for temporary, technical or economic
12 variance under Section 702 of this ordinance are
13 met.

14 (e) Variances, except temporary variances, granted
15 pursuant to this ordinance may be renewed on terms and
16 conditions and for periods which would be appropriate on the
17 initial granting of a variance. No renewal shall be granted
18 except on application made at least 60 days prior to the
19 expiration of the variance.

20 (f) Any person aggrieved by the denial, grant, or the
21 terms and conditions on the grant of an application for a
22 variance or renewal of a variance by the Administrator may
23 appeal such decision to the Hearing Examiner under procedures
24 contained in Chapter 9 of this ordinance.

25 (g) Any person or source granted a variance pursuant
26 to the procedures of this section or an appeal shall be
27 exempt from the maximum permissible sound levels established
28 by the ordinance to the extent provided in the variance.
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(To be used for all Ordinances except Emergency.)

Section...2.. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 22 day of May, 1978,
and signed by me in open session in authentication of its passage this 22 day of
May, 1978

Phyllis Langhorne
President of the City Council.

Approved by me this 1 day of June, 1978

Charles Royer
Mayor.

Filed by me this 1 day of June, 1978.

Attest: *E. J. King*
City Controller and City Clerk.

Wayne Franklin
Deputy Clerk.

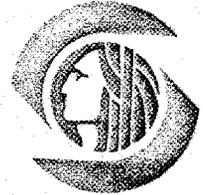
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Published.....

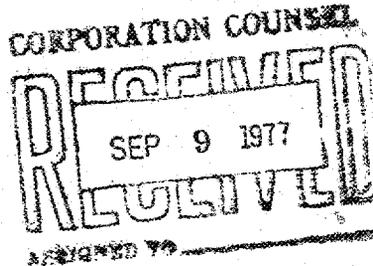
Your City, Seattle

Executive Department-Office of Management and Budget

Donald E. Stark, Director
Wes Uhlman, Mayor



September 5, 1977



Honorable John P. Harris
Corporation Counsel
CITY OF SEATTLE

Dear Mr. Harris:

The Mayor is proposing to the City Council that legislation be adopted as requested in the attached correspondence from the Director of Public Health establishing fees for variances relating to noise control. Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting. By a copy of this letter, the City Council is directly receiving this Executive Request.

Please review this request and draft appropriate legislation. Please file the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

Sincerely,

Wes Uhlman
Mayor

By

Donald E. Stark
Budget Director

DES:BC:ca

Attachment

cc: Sam Smith, President, City Council
Lawrence Bergner, MD, M.P.H.



Seattle-King County / **DEPARTMENT OF PUBLIC HEALTH**
 Public Safety Building Seattle, Washington 98104 (206) 625-2161

LAWRENCE BERGNER, M.D., M.P.H.
 Director of Public Health

July 21, 1977

RECEIVED
AUG 3 1977
OFFICE OF MANAGEMENT & BUDGET

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| RECEIVED MAYOR'S OFFICE | 13 |
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| ACTION | |
| INFO | |

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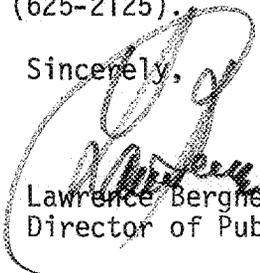
The Honorable Wes Uhlman
 Attention: Office of Management and Budget

Dear Mayor Uhlman:

Attached are two copies of a proposed amendment to Ordinance No. 106360 recommending fees to accompany applications for variances under the noise ordinance. Please forward one copy of the proposed amendment, along with the attached cover letter, to Councilman Sam Smith, President of the City Council.

For further information or assistance, please contact John Nordin, Acting Chief, Environmental Health Services (625-2125).

Sincerely,



Lawrence Bergner, M.D., M.P.H.
 Director of Public Health

LB:SG:drb
 Attachments

DISTRICT HEALTH CENTERS:

CENTRAL
 1000 Public Safety Building
 Seattle 98104
 625-2571

NORTH
 1600 N. E. 150th
 Seattle 98155
 363-4765

EAST
 15607 N. E. Bellevue-
 Redmond Road
 Bellevue 98008
 885-1278

SOUTHEAST
 3001 N. E. 4th St.
 Renton 98055
 228-2620

SOUTHWEST
 10821 8th Ave. S. W.
 Seattle 98146
 244-6400



Seattle-King County / **DEPARTMENT OF PUBLIC HEALTH**
Public Safety Building Seattle, Washington 98104 (206) 625-2161

July 21, 1977

LAWRENCE BERGNER, M.D., M.P.H.
Director of Public Health

The Honorable Sam Smith
President, Seattle City Council
1106 Municipal Building
Seattle, WA 98104

Dear Councilman Smith:

The Seattle Noise Ordinance (Ordinance 106360) provides that a person may apply for a variance from the provisions of the ordinance or from any rules or regulations promulgated thereunder. The Seattle-King County Department of Public Health proposes an amendment (attached) to Ordinance 106360 providing for fees for applications for variances to the noise ordinance.

At this time we do not know how many applications for variances will be received in a year. The proposed fees are based on our best estimates of the cost of reviewing and processing the applications. We are prepared to suggest adjustments of the fees if experience shows the need for such adjustment.

At the present time there are no funds budgeted in the noise program for advertising and/or for conducting public hearings. The noise ordinance requires public hearings for technical and economic variances and appropriate procedures for such have been included in the proposed Department rules and regulations on noise control variances. Without a source of monies for funding the required hearings, including proper notice, it is not feasible to even consider adopting rules and regulations at this time.

We feel that the proposed fees are fair and equitable to the persons who will apply for variances. These fees will also recover at least a portion of the costs involved. We respectfully urge passage of this amendment.

For your information a copy of the Department's proposed Rules and Regulations governing the application for and granting of variances, including public hearings and notice, is attached.

For further information or assistance please contact John Nordin, Acting Chief, Environmental Health Services (625-2125).

Sincerely,

Lawrence Bergner, M.D., M.P.H.
Director of Public Health

LB:SKG:drb
Attachments

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Redmond Road
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SOUTHEAST

3001 N. E. 4th St.
Renton 98055
228-2620

SOUTHWEST

10821 8th Ave. S. W.
Seattle 98146
244-6400

DRAFT

ORDINANCE NO. _____

AN ORDINANCE relating to noise control;
establishing fees for variance applications;
amending Ordinance 106360, Section 701.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Ordinance 106360, Section 701 is hereby amended as follows:

VARIANCE PROCEDURE.

(a) Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the Administrator for relief from the requirements of this ordinance or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the Administrator may require. In accordance with the administrative code the Administrator shall promulgate rules and regulations governing application for and granting of such variances, including hearings and notice.

(b) Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable fee as follows:

| | |
|---|-------|
| Temporary Variance | \$25 |
| Technical or Economic Variance, Source in | |
| Rural or Residential District | \$100 |
| Technical or Economic Variance, Source in | |
| Commercial or Industrial District | \$200 |

~~((b))~~ (c) A variance or its renewal shall not be a right of the applicant or holder thereof but shall be at the reasonable discretion of the Administrator.

~~((e))~~ (d) No variance shall be granted pursuant to this section until the Administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public. A technical or economic variance may be granted only after a public hearing on due notice. The Administrator may grant a variance, if he finds that:

1 (1) The noise occurring or proposed to occur does not endanger public
2 health or safety; and

3 (2) The applicant demonstrates that the criteria required for temporary,
4 technical or economic variance under Section 702 of this ordinance
5 are met.

6 ((-d-)) (e) Variances, except temporary variances, granted pursuant to
7 this ordinance may be renewed on terms and conditions and for periods which
8 would be appropriate on the initial granting of a variance. No renewal shall
9 be granted except on application made at least 60 days prior to the expiration
10 of the variance.

11 ((-e-)) (f) Any person aggrieved by the denial, grant, or the terms
12 and conditions on the grant of an application for a variance or renewal of a
13 variance by the Administrator may appeal such decision to the Hearing Examiner
14 under procedures contained in Chapter 9 of this ordinance.

15 ((-f-)) (g) Any person or source granted a variance pursuant to the
16 procedures of this section or an appeal shall be exempt from the maximum
17 permissible sound levels established by the ordinance to the extent provided
18 in the variance.

19 Passed by the City Council the _____ day of _____,
20 19____, and signed by me in open session in authentication of its passage this
21 _____ day of _____, 19_____.

22
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24 _____
President of the City Council

25 Approved by me this _____ day of _____, 19_____.

26
27 _____
MAYOR

28 Filed by me this _____ day of _____, 19_____.

29 Attest: _____
City Comptroller and City Clerk

30 By: _____
Deputy Clerk

31 Published _____
32
33

1 Before the Director of the Seattle-King County Department of Public Health,
2 Seattle, Washington.

3 RULE NO. _____

4 Pursuant to King County Ordinance No. 3139, Section 7,
5 and City of Seattle Ordinance No. 106360, Section 7,
6 it is the responsibility of the Seattle-King County
7 Department of Public Health to promulgate rules and
8 regulations governing the application for and granting
9 of variances, including hearings and notices.

10 SECTION 1. Types of Variances.

11 (1) Temporary Variance. A temporary variance, not to exceed 14 days,
12 may be granted by the Administrator for any activity, use, process or equipment
13 which the Administrator determines, in accordance with these rules, does not
14 annoy a substantial number of the people and does not endanger the public
15 health or safety.

16 (2) Technical Variance. A technical variance may be granted by the
17 Administrator on the ground that there is no practical means known or available
18 for the adequate prevention, abatement or control of the noise involved. Any
19 such variance shall be subject to the holder's taking of any alternative
20 measures that the Administrator may prescribe. The duration of each variance
21 shall be until such practical means for prevention, abatement or control
22 become known or available. The holder of a technical variance, as required by
23 the Administrator, shall make reports to the Administrator detailing actions
24 taken to develop a means of noise control or to reduce the noise involved.
25 These actions must reflect current technology.

26 (3) Economic Variance. An economic variance may be granted by the
27 Administrator on the ground that compliance with the particular requirement or
28 requirements for which the variance is sought will require the taking of
29 measures which, because of their extent or cost, must be spread over a period
30 of time. The duration of an economic variance shall be for a period not to
31 exceed such reasonable time as is required in the view of the Administrator
32 for the taking of the necessary measure. An economic variance shall contain a
33 timetable for the taking of action in an expeditious manner and shall be
conditioned on adherence to the timetable.

1 SECTION 2. Application.

2 Any person who owns or is in possession of any property or use, or any
3 process or equipment, may apply to the Administrator for relief from the
4 requirements of this ordinance or rule(s) or regulation(s) promulgated here-
5 under governing the quantity, nature, duration or extent of discharge of
6 noise. Application forms for such shall be available from the Noise Control
7 Program Office. The application shall state the pertinent provisions of the
8 ordinance(s) or rule(s) or regulation(s) from which a variance is being sought,
9 the period of time and reasons for which the variance is sought, and any other
10 supporting information which may be reasonably required by the Administrator.

11 SECTION 3. Review of Application: Standards.

12 Review of the application shall include consideration of at least the
13 following conditions:

- 14 (1) the physical characteristics of the emitted sound;
15 (2) the times and duration of the emitted sound;
16 (3) the geography, zone, and population density of the affected area;
17 (4) whether the public health and safety is endangered;
18 (5) relative interests of the applicant, other owners or possessors of
19 property likely to be affected by the noise, and the general public;
20 (6) whether the sound source predates the receiver(s); and
21 (7) whether compliance with the standard(s) from which the variance is
22 sought would produce hardship without equal or greater benefit to the public.

23 SECTION 4. NOTIFICATION.

24 The Administrator shall give twenty (20) days notice of a proposed variance
25 and public hearing, if any, by:

- 26 (1) filing the notice with the clerk of the King County Council and/or
27 Seattle City Comptroller, as applicable;
28 (2) publishing the notice in the official newspaper of King County
29 and/or the official newspaper of the City of Seattle, as applicable (the
30 notice may also be published in additional newspapers, as deemed appropriate
31 by the Administrator);
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1 (3) mailing the notice to the appropriate community councils; and
2 (4) making notice available to any person residing within three hundred
3 (300) feet of the sound source covered by the application, and to any person
4 who has in writing requested notice of such an application.

5 SECTION 5. Content of Notice

6 The notice must include the following information:

- 7 (1) reference to the authority under which the variance is proposed;
8 (2) either a statement of the terms or substance of the variance or a
9 description of the subjects and issues involved; and
10 (3) the time and place of the public hearing, if one is to be held, and
11 the manner in which interested persons may present data, statements and argu-
12 ments on the proposed variance.

13 SECTION 6. Public Hearing: When Required.

14 Public hearings shall be mandatory for economic and technical variances.
15 The Administrator may, at his discretion, hold a public hearing for a temporary
16 variance, if he determines that such a hearing is warranted by any of the
17 considerations listed in Section 3 of these Rules.

18 SECTION 7. Conduct of Hearing

19 The hearing shall be conducted according to the following rules:

- 20 (1) statements and arguments may be presented by the applicant and by
21 any other person requesting to be so heard;
22 (2) the administrator may direct questions to the participants;
23 (3) there shall be no right to cross-examination;
24 (4) written data and other documentation may be submitted by any parti-
25 cipant; and
26 (5) No formal record of the proceedings shall be required.
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1 SECTION 8. Decisions

2 (1) A decision by the Administrator on the application shall be filed
3 with either the Clerk of the King County Council or the Comptroller of the
4 City of Seattle, as applicable, and shall be mailed to the applicant by certi-
5 fied mail, postage prepaid, return receipt requested. On a temporary variance
6 not requiring a public hearing, the decision shall be filed and postmarked
7 within seven (7) days of the receipt of the application. On any other variance
8 the decision shall be mailed and postmarked within forty-five (45) days of the
9 receipt of the application. Failure to comply with these aforementioned time
10 requirements shall constitute granting of the variance.

11 (2) A temporary variance shall be effective thirty (30) days after the
12 granting thereof. Any other variance shall be effective thirty (30) days
13 following the filing and mailing the decision granting the same, or sixty (60)
14 days following the expiration of the forty-five (45) days mentioned in this
15 section. When a variance is deemed granted by the expiration of a time re-
16 quirement of this paragraph, the Administrator shall file the application for
17 the variance with either the Clerk of the King County Council or the Comp-
18 troller of the City of Seattle, as applicable, with the following notation
19 "Application granted by expiration of time limit".

20 (3) All decisions shall be in writing, and shall state the findings and
21 conclusions supporting such decision. A decision by the Administrator granting
22 or denying a variance application shall be a final order subject to the en-
23 forcement and appeal provisions contained in King County Ordinance No. 3139
24 and City of Seattle Ordinance No. 106360.

25 SECTION 9. Appeal

26 Any person aggrieved by the denial, grant, or the terms and conditions on
27 the grant of a variance application, or by the renewal of a variance by the
28 Administrator, may appeal such decision to the King County or City of Seattle
29 Hearing Examiner, as appropriate, pursuant to the provisions of King County
30 Ordinance No. 3139 and City of Seattle Ordinance No. 106360.

1 Before the Director of the Seattle-King County Department of Public Health,
2 Seattle, Washington.

3 RULE NO. _____

4 Pursuant to King County Ordinance No. 3139, Section 7,
5 and City of Seattle Ordinance No. 106360, Section 7,
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15 health or safety.

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17 Administrator on the ground that there is no practical means known or available
18 for the adequate prevention, abatement or control of the noise involved. Any
19 such variance shall be subject to the holder's taking of any alternative
20 measures that the Administrator may prescribe. The duration of each variance
21 shall be until such practical means for prevention, abatement or control
22 become known or available. The holder of a technical variance, as required by
23 the Administrator, shall make reports to the Administrator detailing actions
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6 noise. Application forms for such shall be available from the Noise Control
7 Program Office. The application shall state the pertinent provisions of the
8 ordinance(s) or rule(s) or regulation(s) from which a variance is being sought,
9 the period of time and reasons for which the variance is sought, and any other
10 supporting information which may be reasonably required by the Administrator.

11 SECTION 3. Review of Application: Standards.

12 Review of the application shall include consideration of at least the
13 following conditions:

- 14 (1) the physical characteristics of the emitted sound;
15 (2) the times and duration of the emitted sound;
16 (3) the geography, zone, and population density of the affected area;
17 (4) whether the public health and safety is endangered;
18 (5) relative interests of the applicant, other owners or possessors of
19 property likely to be affected by the noise, and the general public;
20 (6) whether the sound source predates the receiver(s); and
21 (7) whether compliance with the standard(s) from which the variance is
22 sought would produce hardship without equal or greater benefit to the public.

23 SECTION 4. NOTIFICATION.

24 The Administrator shall give twenty (20) days notice of a proposed variance
25 and public hearing, if any, by:

- 26 (1) filing the notice with the clerk of the King County Council and/or
27 Seattle City Comptroller, as applicable;
28 (2) publishing the notice in the official newspaper of King County
29 and/or the official newspaper of the City of Seattle, as applicable (the
30 notice may also be published in additional newspapers, as deemed appropriate
31 by the Administrator);
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1 (3) mailing the notice to the appropriate community councils; and
2 (4) making notice available to any person residing within three hundred
3 (300) feet of the sound source covered by the application, and to any person
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21 any other person requesting to be so heard;
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25 cipant; and
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1 SECTION 8. Decisions

2 (1) A decision by the Administrator on the application shall be filed
3 with either the Clerk of the King County Council or the Comptroller of the
4 City of Seattle, as applicable, and shall be mailed to the applicant by certi-
5 fied mail, postage prepaid, return receipt requested. On a temporary variance
6 not requiring a public hearing, the decision shall be filed and postmarked
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12 granting thereof. Any other variance shall be effective thirty (30) days
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14 days following the expiration of the forty-five (45) days mentioned in this
15 section. When a variance is deemed granted by the expiration of a time re-
16 quirement of this paragraph, the Administrator shall file the application for
17 the variance with either the Clerk of the King County Council or the Comp-
18 troller of the City of Seattle, as applicable, with the following notation
19 "Application granted by expiration of time limit".

20 (3) All decisions shall be in writing, and shall state the findings and
21 conclusions supporting such decision. A decision by the Administrator granting
22 or denying a variance application shall be a final order subject to the en-
23 forcement and appeal provisions contained in King County Ordinance No. 3139
24 and City of Seattle Ordinance No. 106360.

25 SECTION 9. Appeal

26 Any person aggrieved by the denial, grant, or the terms and conditions on
27 the grant of a variance application, or by the renewal of a variance by the
28 Administrator, may appeal such decision to the King County or City of Seattle
29 Hearing Examiner, as appropriate, pursuant to the provisions of King County
30 Ordinance No. 3139 and City of Seattle Ordinance No. 106360.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on PUBLIC SAFETY AND JUSTICE

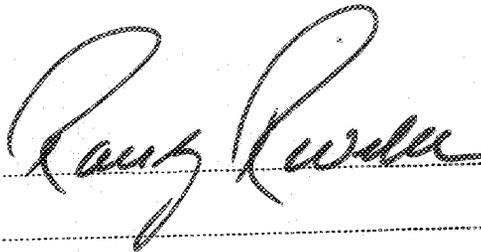
MAY 22 1978

to which was referred

C.B. 98792

Relating to noise control; amending Section 701 of Ordinance 106360 to establish fees required upon application for a variance or renewal of a variance.

RECOMMEND THAT THE SAME DO PASS



PS&J
Chairman

Chairman

Committee

Committee

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on URBAN DEVELOPMENT AND HOUSING

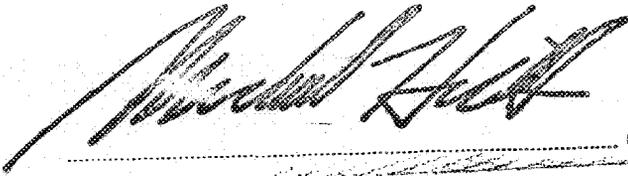
MAY 22 1978

to which was referred

C.B. 98993

Relating to and regulating certain grading, excavating and filling of land; providing for grading permits in connection therewith, and prescribing penalties for violation thereof; amending Section 7000 and repealing Sections 7001 through 7009 of Ordinance 106350 (Seattle Building Code).

RECOMMEND THAT THE SAME DO PASS AS AMENDED



UD&H
Chairman

Chairman

Committee

Committee

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a _____
Ordinance No. 107377

_____ was published on _____ June 6, 1978

Subscribed and sworn to before me on

_____ June 6, 1978

Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE 107377

AN ORDINANCE relating to noise control; amending Section 701 of Ordinance 106380 to establish fees required upon application for a variance or renewal of a variance.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1, Section 701 of Ordinance 106380 is amended to read as follows:

Section 701. VARIANCE PROCEDURE.

(a) Any person who owns or is in possession of any property or uses or any process or equipment, may apply to the Administrator for relief from the requirements of this ordinance or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the Administrator may require. In accordance with the Administrative Code, the Administrator shall promulgate rules and regulations governing application for and granting of such variances, including hearings and notices.

(b) APPLICATION FOR A VARIANCE OR RENEWAL OF A VARIANCE SHALL BE ACCOMPANIED BY PAYMENT OF A NONREFUNDABLE FEE AS FOLLOWS:

| | |
|--|------------|
| TEMPORARY VARIANCE | ..\$25 |
| TECHNICAL OR ECONOMIC VARIANCE SOURCE IN RURAL OR RESIDENTIAL DISTRICT |\$100 |
| TECHNICAL OR ECONOMIC VARIANCE SOURCE IN COMMERCIAL OR INDUSTRIAL DISTRICT |\$200 |

(c) A variance or its renewal shall not be a right of the applicant or holder thereof but shall be at the reasonable discretion of the Administrator.

(d) No variance shall be granted pursuant to this section until the Administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public. A technical or economic variance may be granted only after a public hearing on due notice. The Administrator may grant a variance, if he finds that:

(1) The noise occurring or proposed to occur does not endanger public health or safety; and

(2) The applicant demonstrates that the criteria required for temporary, technical or economic variance under Section 702 of this ordinance are met.

(e) Variances, except temporary variances, granted pursuant to this ordinance may be renewed on terms and conditions and for periods which would be appropriate on the initial granting of a variance. No renewal shall be granted except on application made at least 60 days prior to the expiration of the variance.

(f) Any person aggrieved by the denial, grant, or the terms and conditions on the grant of an application for a variance or renewal of a variance by the Administrator may appeal such decision to the Hearing Examiner under procedures contained in Chapter 9 of this ordinance.

(g) Any person or source granted a variance pursuant to the procedures of this section or an appeal shall be exempt from the maximum permissible sound levels established by the ordinance to the extent provided in the variance.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25th day of May, 1978, and signed by me in open session in authentication of its passage this 22nd day of May, 1978.

PHYLIS LAMPHERE,
President of the City Council.

Approved by me this 1st day of June, 1978.

CHARLES ROYER,
Mayor.

Filed by me this 1st day of June, 1978.

Attest: E. I. KIDD,
City Comptroller and
City Clerk.

By WAYNE ANGEVINE,
(Seal) Deputy Clerk.

Publication ordered by E. I. KIDD, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, June 2, 1978.

(C-264)