

ORDINANCE NO. 1248

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING CHAPTER 9.50 OF THE STANWOOD MUNICIPAL CODE TO REVISE THE CITY'S NOISE REGULATIONS BY ADOPTING A VARIANCE PROCEDURE AND ESTABLISHING AN EFFECTIVE DATE.

THE CITY COUNCIL OF THE CITY OF STANWOOD DO ORDAIN AS FOLLOWS:

Section 1. Chapter 9.50 of the Stanwood Municipal Code is hereby amended by adopting SMC 9.50.045 to read as follows:

9.50.045 Variances and implementation schedules.

(1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the City.

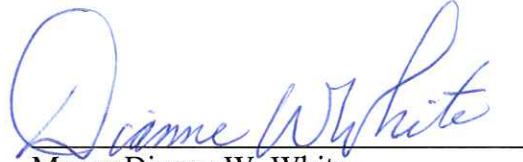
(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is 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, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

Passed and approved this 14th day of May, 2009.

CITY OF STANWOOD:



Mayor Dianne W. White

ATTEST:



Melissa A. Collins, City Clerk

APPROVED AS TO FORM:



Grant K. Weed, City Attorney