



TO: T.C. Broadnax, City Manager
FROM: Lisa Wojtanowicz, Community Services Division Manager, Neighborhood and Community Services
Nadia Chandler Hardy, Neighborhood and Community Services Director
COPY: City Council and City Clerk
SUBJECT: Ordinance – Repealing and Reenacting Chapter 8.122, Noise Enforcement Code – First Reading April 7th
DATE: March 30, 2015

SUMMARY:

The Community Services Division of the Neighborhoods and Community Services Department is requesting approval to repeal and reenact Tacoma Municipal Code 8.122, the Noise Enforcement Code, to incorporate updates to the Chapter, including updating the purpose and adding a new definition; providing clarification regarding variances and appeals; and revising the penalty section to allow for escalation of penalties for repeat offenses within a 12-month period. Over the past several months staff has been working with various internal and external partners to update the Noise Enforcement Code.

STRATEGIC POLICY PRIORITY:

- Foster neighborhood, community, and economic development vitality and sustainability.

BACKGROUND:

In 2008, the City Council adopted the current Noise Enforcement Code, TMC Chapter 8.122. City staff has benchmarked with other cities within the State of Washington and across the county to ensure that our noise code provides a comprehensive approach to noise issues. The City also utilized the services of a consultant who is an expert in this field to review the code and provide recommendations for best practices across the county on issues such as port industrial areas, the use of stationary noise monitoring equipment and noise metering phone applications. Staff received a recommendation for approval from the Neighborhoods & Housing Committee on December 1, 2014 and a “no comment” from the Department of Ecology (DOE) for State approval on February 23, 2015.

ISSUE:

General code changes include:

- The addition of a definition for “Continuous Sound”.
- The addition of Section 8.122.005 Purpose, to clarify the general purpose of the code.
- Clarification that variances are to be considered for a limited duration.
- The addition of a provision for a person to appeal the Director’s decision regarding a variance.
- Changes to the penalty portion of the code to allow for an escalation of penalties for repeat offenses within a 12-month period.

ALTERNATIVES:

If the code changes are not recommended for adoption, Code enforcement would continue to use the existing code.

FISCAL IMPACT:

There are no fiscal impacts at this time.



RECOMMENDATION:

Staff recommends Council repealing and reenacting TMC 8.122, the Noise Enforcement Code, as presented. Staff has received approval from the Neighborhoods & Housing Committee and also from the Washington State Department of Ecology.

FISCAL IMPACT:

There are no fiscal impacts at this time.

EXPENDITURES: N/A

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: N/A.

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? N/A

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.

N/A