

2/22/79

PATRICIA THODE

79-281

ORDINANCE NO. 4181

AN ORDINANCE relating to noise control; establishing fees for variance applications; amending Ordinance 3139, Section 701, and KCC 12.96.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3139, Section 701 and KCC 12.96.100

are 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 Chapters 12.86 through 12.100 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 the 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.....\$250

~~((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

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1 property likely to be affected by the noise, and the general  
2 public. A technical or economic variance may be granted only  
3 after a public hearing on due notice. The administrator may  
4 grant a variance, if he finds that:

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

7 (2) The applicant demonstrates the criteria required  
8 for temporary, technical or economic variance under Section  
9 12.96.105.

10 ~~((d))~~ (e) Variances, except temporary variances,  
11 granted pursuant to Chapters 12.86 through 12.100 may be renewed  
12 on terms and conditions and for periods which would be  
13 appropriate on the initial granting of a variance. No renewal  
14 shall be granted except on application made at least sixty days  
15 prior to the expiration of the variance.

16 ~~((e))~~ (f) Any person aggrieved by the denial, grant,  
17 or the terms and conditions on the grant of an application for a  
18 variance by the administrator may appeal such decision under  
19 procedures incorporated by Chapter 12.99.

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1 ((f)) (g) Any person or source granted a variance  
2 pursuant to the procedures of this section or an appeal shall be  
3 exempt from the maximum permissible sound levels established by  
4 Chapters 12.86 through 12.100, to the extent provided in the  
5 variance.

6 INTRODUCED AND READ for the first time this 5<sup>th</sup> day of  
7 March, 1979.

8 PASSED this 9<sup>th</sup> day of April, 1979.

9  
10 KING COUNTY COUNCIL  
11 KING COUNTY, WASHINGTON

12 Ruby Chow  
13 Chairman

14 ATTEST:

15 Jamthy M. Owens  
16 Deputy Clerk of the Council

17 APPROVED this 11<sup>th</sup> day of April, 1979.

18 [Signature]  
19 King County Chairman  
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