ORDINANCE NO. 3063

AN ORDINANCE of the City of Puyallup, Washington, repealing and reenacting subsection 6.16.060(2)(c) of Chapter 6.16 of the Puyallup Municipal Code, which governs the authority of the public works director to prohibit or allow noise from construction sites during evening and nighttime hours.

Whereas, PMC 6.16.060(2)(c) authorizes the public works director to "exempt" noise that emanates from construction sites during the night;

Whereas, the existing standards for allowing construction site noise during the evening and night are too limited and ambiguous; and

Whereas, PMC 6.16.060(2)(c) should be reenacted to improve its clarity;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PUYALLUP HEREBY ORDAINS AS FOLLOWS:

- **Section 1.** Subsection 6.16.060(2)(c) of Chapter 6.16 of the Puyallup Municipal Code, is repealed and reenacted as follows:
 - (c) The public works director, or his designee, shall have the authority to exempt noise emanating from a temporary construction site during nighttime hours of 10:00 p.m. and 7:00 a.m., when it is anticipated the work may be completed in one night, and it is in the best interests of the city.
 - (c) The public works director, or his or her designee, shall have the authority to prohibit, or to allow with or without mitigating conditions, noise that emanates from construction or related activity during evening or nighttime hours.
- **Section 2.** If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance unless the whole purpose and intent of this ordinance is destroyed. If the provisions of this ordinance are found to be inconsistent with the other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.
- **Section 3.** This ordinance shall take effect and be in full force after its passage, approval and publication in accordance with law.

PASSED via a unanimous vote at an open public meeting by the City Council of the City of Puyallup on the 22^{nd} day of April, 2014.

John D. Knutsen

Mayor

Approved as to form:

Attest:

Kevin J. Yamamoto City Attorney

Brenda Arline City Clerk

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