

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: September 8, 2014**

<b>AGENDA ITEM:</b> An Ordinance Amending Marysville Municipal Code (MMC) Section 6.76.080 Related to Noise Regulation Variances	<b>AGENDA SECTION:</b> New Business	
<b>PREPARED BY:</b> Chris Holland, Planning Manager	<b>APPROVED BY:</b>	
<b>ATTACHMENT:</b> Adopting Ordinance		
	MAYOR	CAO
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>	

**DESCRIPTION:**

Amendment to MMC 6.76.080 related to noise regulation variances. The code currently reads that the “board of adjustment” shall have the authority to grant variances related to Chapter 6.76 MMC, *Noise Regulation*. The City no longer has a board of adjustment. The proposed amendment allows for the Community Development Director, or designee, to review and approve variances related to Chapter 6.76 MMC, *Noise Regulation*.

<b>RECOMMENDED ACTION:</b> Approve the attached ordinance amending MMC 6.76.080 to allow the Community Development Director, or designee, to review and approve variances related to Chapter 6.76 MMC, <i>Noise Regulation</i> .
<b>COUNCIL ACTION:</b>

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,  
AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTION 6.76.080  
RELATED TO NOISE REGULATION VARIANCES; PROVIDING FOR  
SEVERABILITY; AND EFFECTIVE DATE.**

WHEREAS, the City Council finds that it is in the public interest to update MMC 6.76.080 related to noise regulation variances; and

WHEREAS, the City adopted MMC 6.76.080 by Ordinance 1419 and desires to update and revise this section in order to provide a mechanism for administrative review of noise variances, as the city no longer has a board of adjustment.

**NOW THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:**

**Section 1. MMC 6.76.080 is hereby amended to read as follows:**

**6.76.080 Variances.**

(1) The ~~board of adjustment~~ Community Development Director, or designee, shall have authority to grant variances from the requirements of this chapter. Variance procedures specified in MMC 22G.010.400 shall apply. The application fee shall be \$50.00.

(2) Variances may be granted to any person from any particular requirement of this chapter, if written findings are made by the ~~board of adjustment~~ Community Development Director, or designee, 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 non availability 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.

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

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 3. Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)