

Ordinance No. 1021

MEDINA CITY COUNCIL

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, AMENDING SECTION 8.06.160 OF THE MEDINA MUNICIPAL CODE REGULATING NOISE TO CHANGE WEEKDAY WORK HOURS FOR COMMERCIAL YARD MAINTENANCE AND LANDSCAPING ACTIVITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Medina Municipal Code (MMC) Chapter 8.06 was adopted in 2017 to regulate noise within the City; and

WHEREAS, City Staff and Councilmembers have enquired into, researched and reviewed the impacts of commercial yard maintenance and landscaping noise on residents over time, including a recent survey of City residents in connection with an ongoing evaluation of leaf blower use within the City, which collectively indicated strong public support for minimizing noise impacts within the City; and

WHEREAS, in considering the safety and health of the community and the Council's current priorities for legislative action, the Council finds that it would be in the public interest, health and safety to adjust the weekday morning hours at which commercial yard maintenance and landscaping activities can commence from 7AM to 9AM, as set forth in this Ordinance; and

WHEREAS, the City Council has duly considered Ordinance No. XXX attached hereto and incorporated herein by this reference, and finds that the changes therein specified will better address and enhance the noise quality within the City for the benefit of Medina residents and will enhance the public health and safety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The foregoing recitals are adopted as findings of fact in support of this Ordinance.

Section 2. Amendments to MMC Chapter 8.06. MMC Section 8.06.160 is hereby amended to read as follows:

8.06.160. - Work hours for commercial construction and development activities and professional yard maintenance and landscaping.

A. *General.* Commercial construction and development activities ~~and professional yard maintenance and landscaping~~ may take place only between 7:00 a.m. and 7:00 p.m. on weekdays. Professional yard maintenance and landscaping may take place only between 9:00 a.m. and 5:00 p.m. on weekdays. On Saturdays, commercial construction and development activities may occur between 8:00 a.m. and 5:00 p.m. and professional yard maintenance and landscaping may occur between 9:00 a.m. and 5:00 p.m. No such work is allowed on Sundays or legal holidays set forth in RCW 1.16.050(1).

B. Exceptions. The city manager or designee may authorize in writing the conduct of commercial construction and development activities or professional yard maintenance and landscaping outside the hours specified in subsection (A) of this section provided such work will not unreasonably interfere with any residential use and is an emergency. The city manager may attach such conditions as necessary to minimize the interference and protect the public health, safety and welfare.

Section 3. Ordinance Adopted. This Ordinance is hereby adopted by the City Council as of the date set forth below

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener and clerical errors, references, ordinance numbering, section/subsection numbering and any references thereto.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after such publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 11TH DAY OF SEPTEMBER 2023 BY A VOTE OF __ FOR, __ AGAINST, AND __ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 11TH DAY OF SEPTEMBER 2023.

Jessica Rossman, Mayor

Approved as to form:
Ogden Murphy Wallace, PLLC

Attest:

Scott M. Missall, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: