

page 1, lines 36-43

Off-site manufacture of construction materials is clearly defined as NOT being construction, and would be regulated by the normal Table 1 noise limits. The manufacturers of time-sensitive materials (asphalt, concrete) will be impacted, subsequently affecting the timely availability of certain materials to job sites.

page 6, line 24

Paragraph (b) still lists Leq 80 as the limit for construction noise during the specified daytime hours. There is no substantial change from the previous edition, or from the original ordinance. Paragraph (a) still has the language about creating a noise disturbance, which could be interpreted more strictly than the numerical limits from Table 1. That language should be deleted.

page 8, line 15

"...shall not create vibration above the perceptible threshold of any individual within a residential property....".

Perceptible vibration of what -- the ground, the structure itself, or the teacups in the china cabinet? What about visible ripples in a coffee cup on the table? This should be clarified to mean the structure itself, not the contents of the structure.

page 10, line 6

"...applicants may be required to measure or allow the department to measure...".

There is some potential that contractors could be required to measure noise on a routine basis, including fixed noise monitors on the job site. The city could also require the contractor to pay for noise measurements while they stand there and watch, rather than measuring the noise themselves. In language from page 15 line 7, the city may even bill for the time and expenses spent watching.

page 10, line 14

"...may require the measurements to be conducted in the presence of staff....". If MOA staff is there to observe, they should be making any noise measurements, rather than creating an additional burden on the business or noise permit holder.

Page 11, line 15

The new section 15.70.075 describing noise measurement procedures is not as comprehensive as the deleted section AMCR 15.70.004. It is useful to have the procedures in the body of the noise ordinance, but it should be equally complete and comprehensive as the previous text.

page 12, line 11

The new Table 1 clearly indicates limits at the receiving land use, which is a good thing. The numbers in the revised matrix also now incorporate averaging between different adjoining categories. The flawed averaging clause (old paragraph B) is now gone.

There are two instances where the values shown are less than the true average between the two categories. Both cases occur when averaging between residential and industrial zones. If additional protection is desired for residences, it should be handled during the new project's approval process through planning and zoning.

The Table 1 numerical limits are still based on Lmax, which is now explicitly mentioned. In my professional opinion, the numbers in Table 1 are intended to be Leq values within a given hour, not instantaneous Lmax values. As Lmax values, the limits are too strict.

Page 13, line 10

New language has been added specifically protecting snow removal and street sweeping on school district property. Snow removal operations on private property are still subject to the Table 1 noise limits, particularly strict at night.

page 15, line 7

"...The department shall keep an account of the cost ...incurred by the municipality....and a bill shall be forwarded to the violator..."

This is very open-ended language. There is great potential for excessive charges that go far beyond the fines and penalties allowed by the ordinance. The city could bill for overtime, mileage and incidental expenses, batteries for their sound meters -- almost anything that they could attribute to the enforcement action.

PDF document page 17

This summary of economic effects states "zero" impact to the municipality, but glosses over the degree of impact to public construction projects. The language also tends to minimize the degree of financial impact on existing businesses.

PDF document page 18

Memo AM 451-2007 summarizes the changes to the ordinance. However, leaves the impression that prior meetings with known stakeholders settled the differences. We know that AGC membership still has some strong objections, most of which have not been satisfactorily addressed.