

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercerisland.gov/cpd



NOISE EXCEPTION REQUEST

Noise generated by construction is allowed in the City of Mercer Island between the hours of 7 a.m. and 7 p.m. Monday through Friday and between the hours of 9 a.m. and 6 p.m. on Saturday per MICC 8.24.020(Q). Sounds generated by construction are not permitted on Sunday and legal holidays. Any of the following sounds produced outside of the above specified time periods will necessitate a noise exception:

- Sounds caused by the construction or repair of any building or structure.
- Sounds caused by construction, maintenance, repair, clearing or landscaping.
- Sounds created by the installation or repair of utility services.
- Sounds created by construction equipment including construction vehicles.

Maximum environmental noise levels are also regulated by Chapter 173-60 WAC. Please refer to the Decibel Comparison Chart on page 3 of this handout.

TYPES OF NOISE EXCEPTIONS

Noise exceptions are authorized pursuant to Chapter WAC 173-60

Type 1: Type 1 noise exceptions apply to substantial projects with a duration exceeding one night, weekend day, and/or holiday. Type 1 noise exceptions are those that are not a Type 2, Type 3, or Type 4, and meet at least ONE of the following criteria:

- The project involves road construction or any demolition.
- The noise generated by the project will exceed 90 decibels as measured from 50 feet from the site or the nearest residence, whichever is closer.
- The noise generating activity duration exceeds one night.

An example is the replacement of expansion joints on I-90. Type 1 noise exceptions require a public notice to be sent to all properties within a specified radius of the project site (as determined by staff) but is typically 300 feet.

Type 2: Type 2 noise exceptions involve nighttime, weekend, and/or holiday work which produces noise that will be heard within the immediate vicinity of the project. Type 2 noise exceptions are those that are not a Type 1, Type 3, or Type 4, and meet ALL of the following criteria:

- The project does not involve road construction or any demolition.
- The noise generated by the project will exceed 75 decibels, but will not exceed 90 decibels as measured from 50 feet from the site or the nearest residence, whichever is closest.
- The noise generating activity duration is no more than one night.

An example is the repair or replacement of an underground utility line. There is no public notice required for Type 2 noise exceptions.

Type 3: Type 3 noise exceptions involve nighttime, weekend, and/or holiday work which produces noise that may be heard within the immediate vicinity of the project. Type 3 noise exceptions are those that are not a Type 1, Type 2, or Type 4 and meet ALL of the following criteria:

- The project does not involve road construction or any demolition.
- The noise generated by the project will not exceed 75 decibels as measured from 50 feet from the site or the nearest residence, whichever is closest.
- The noise generating activity duration is no more than one night.

Examples include repair of streetlights or installation of holiday lights on trees. There is no public notice required for Type 3 noise exceptions.

Type 4: Type 4 noise exceptions involving nighttime, weekend, and/or holiday work by a public agency, which produces noise that may be heard within the immediate vicinity of the project and the noise may exceed 75 decibels but will not exceed 90 decibels as measured from 50 feet from the site or the nearest residence, whichever is closest. Type 4 noise exceptions are those that are not a Type 1, Type 2, or Type 3 and must meet ALL of the following criteria:

- The noise exception does not involve road construction or in the right of way;
- The project is on property zoned Public (P);
- The project applicant is a public agency; and
- The noise generated by the work that is subject to the noise exception on weekends or on holidays will not exceed 90 decibels as measured from 50 feet from the site or the nearest residence, whichever is closest.
- The noise generated by the work that is subject to the noise exception will not exceed 75 decibels after 10 p.m. as measured from 50 feet from the site or the nearest residence, whichever is closest.
- The noise generating activity duration exceeds one night, weekend day, holiday day, but not more than five nights, weekend days, or holiday days.

Examples include work on a city fire station or a school that must be completed during the summer but work in the right of way is already completed. There are no public notice required for a Type 4 exception.

The Code Official has the discretion to change any Type 2, Type 3, or Type 4 noise exception request to a Type 1, Type 2, or Type 3, if necessary.

PRE-APPLICATION

Applicants are encouraged to participate in pre-application meetings with City staff, particularly if the proposal is a Type 1 noise exception. Call Community Planning and Development staff at (206) 275-7605 to schedule a pre-application meeting and discuss applicable fees. Meetings with the staff provide an opportunity to discuss the proposal in conceptual terms, identify the applicable City requirements, and discuss the project review process.

APPLICATION

The Code Official may require the submission of any necessary information including the elements listed below. All applications for projects shall be submitted to the City on forms provided by the Community Planning and Development Department.

An application shall include the following:

	Type 1	Type 2	Type 3	Type 4
Development application cover sheet	X	X	X	X
Application fee - See <i>current Development and construction Permit Fee Schedule</i>	X	X	X	X
Cover letter requesting the noise exception	X	X	X	X
Description of the proposed work necessitating a noise exception and explanation regarding why it cannot be done during the day	X	X	X	X
Timeline/duration of the proposed work requiring the noise exception	X	X	X	X
Contact information for the project manager/designated contact	X	X	X	X
A list of equipment to be used and anticipated noise levels associated with each as measured from 50 feet away or the nearest residence	X	X	X	X
Detailed map delineating the project area	X	X	X	X

Noise mitigation and monitoring plan	X			
Detailed construction schedule	X			X
Draft public notice (must be submitted at least 30 days prior to the start of work necessitating the noise exception)	X			
Neighborhood notification plan (e.g. door hanger, sign on site with emergency contact information, etc)				X

DETERMINATION OF COMPLETENESS

The City cannot accept an incomplete application per MICC 19.15.070(A). if upon review, the City determines that the application information is incomplete, the City will mail or personally provide a written determination to the applicant stating the inadequacies of the application within twenty-eight (28) days after the City receives a permit application. If the applicant fails to provide the required information within 90 days of the notification of incompleteness, the application shall lapse. The applicant may request a refund of the application fee less the City's cost of determining the completeness of the application.

This guideline is intended for informational use only. It cannot be used as a substitute for the Mercer Island City Code. For more information about the regulations that may apply to your project, consult with Community Planning and Development staff at (206) 275-7605.