

CHAPTER 20.08 NOISE CONTROL

Sections:

- [20.08.005](#) Purpose—Liability.
- [20.08.010](#) Declaration of policy—Findings of special conditions.
- [20.08.020](#) Definitions.
- [20.08.030](#) Environmental sound—Unlawful sounds designated.
- [20.08.040](#) Environmental sound—Maximum permissible levels.
- [20.08.050](#) Environmental sound—Modifications to maximum permissible noise levels.
- [20.08.060](#) Motor vehicle noise—Maximum permissible levels.
- [20.08.070](#) Motor vehicle noise—Maximum levels for new vehicles.
- [20.08.080](#) Motor vehicle noise—Specific prohibitions.
- [20.08.090](#) Public nuisance and disturbance noises.
- [20.08.100](#) Noises exempt—At all times—Partially exempt noises.
- [20.08.110](#) Noises exempt during daytime hours
- [20.08.120](#) Noises exempt from nighttime reduction.
- [20.08.130](#) Administrator established—Qualifications, powers and duties.
- [20.08.140](#) Measurement of sound.
- [20.08.150](#) Variance procedure—Generally.
- [20.08.160](#) Right to appeal.
- [20.08.170](#) Appeal procedure.
- [20.08.180](#) Variance procedure—Board of adjustment authority.
- [20.08.190](#) Hearing officer.
- [20.08.200](#) Enforcement—Complaints.
- [20.08.210](#) Provisions not exclusive.
- [20.08.220](#) Violation—Penalty.

20.08.005 Purpose—Liability.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, its officers, employees or agents, for any injury or damage resulting from the failure of anyone to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 1556-89 § 3, 1989)

20.08.010 Declaration of policy—Findings of special conditions.

A. Declaration of Policy. It is hereby declared to be the policy of the city to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise. It is the express intent of the city council to control the level of noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment.

B. Findings of Special Conditions. The problem of noise in the city has been studied since 1972 by the safety director of Everett. On the basis of these

studies, the city council finds that special conditions exist within the city which make necessary any and all differences between this chapter and the regulations adopted by the Department of Ecology. (Ord. 534-78 § 1, 1978)

20.08.020 Definitions.

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1960 and Section 1.4-1971. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

A. "Administrator" means the noise control administrator as established in Section [20.08.130](#).

B. "dB(A)" means a sound level, measured in decibels, using the A frequency-weighting network of a sound level meter.

C. "District" means the land use zones to which the provisions of this chapter are applied. For the purposes of this chapter the following noise control districts shall be established which include land use zones designated in the Everett zoning code as follows:

Noise Control District	Land Use Zones
1. District I	All residentially zoned districts including but not limited to R.S., R-1, R-2, R-3(A), R-4 and R-5
2. District II	All business and commercially zoned districts including but not limited to B-1, B-2(A), B-2, B-2(B), B-3, C-1 and C-2
3. District III	All agricultural and manufacturing zoned districts including but not limited to A, M-M and M-1, and all other nonresidential, nonbusiness and noncommercially zoned districts.

D. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

E. "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a combination vehicle.

F. "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

G. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

H. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under RCW 46.16.010. (Aircraft, watercraft, and vehicles used on rails or tracks are not motor vehicles as that term is used herein.)

I. "New motor vehicle" means a motor vehicle manufactured after December 31, 1976, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.

J. "Noise" means the intensity, duration and character of sounds from any and all sources.

K. "Off-highway vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010

L. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

M. "Property boundary" means the survey line at ground surface which separates the real property owned, rented or leased by one or more other persons and its vertical extension.

N. "Public nuisance noise" means any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of damage may be unequal.

O. "Receiving property" means real property within which sound originating from sources outside the property is received.

P. "Sound level" means a weighted sound pressure level obtained by the use of a sound level meter and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971.

Q. "Sound level meter" means a sound-level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971.

R. "Watercraft" means any contrivance, excluding aircraft used or capable of being used as a means of transportation or recreation on water.

S. "Weekend" means Saturday and Sunday or any legal holiday. (Ord. 1556-89 § 1, 1989; Ord. 690-80 § 2, 1980; Ord. 534-78 § 2, 1987)

20.08.030 Environmental sound—Unlawful sounds designated.

It is unlawful for any person to cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth in Sections [20.08.040](#) and 20.08.050. (Ord. 534-78 § 3(a), 1987)

20.08.040 Environmental sound—Maximum permissible levels.

For sound sources located within the city, the maximum permissible noise levels are as follows:

District Sound Source	District of Receiving Property Within the City of Everett		
	I	II	III
I	55 dB(A)	57 dB(A)	60 dB(A)
II	57 dB(A)	60 dB(A)	65 dB(A)
III	60 dB(A)	65 dB(A)	70 dB(A)

(Ord. 534-78 § 3(b), 1978)

20.08.050 Environmental sound—Modifications to maximum permissible noise levels.

The maximum permissible noise levels established by this section and Sections [20.08.030](#) and 20.08.040 shall be modified, reduced or increased as follows:

A. Between the hours of ten p.m. and seven a.m. during weekdays, and between the hours of ten p.m. and nine a.m. on weekends, the levels established in Section [20.08.040](#) are reduced by ten dB(A) where the receiving property lies within District I of the city.

B. At any hour of the day or night, for any source of sound which is of short duration, the levels established by this chapter are increased by: five dB(A) for a total of fifteen minutes in any one-hour period; or ten dB(A) for a total of five

minutes in any one-hour period; or fifteen dB(A) for a total of 1.5 minutes in any one-hour period.

C. This section shall be subject to amendment by the addition of a provision which establishes a correction factor for sources of sound which cannot accurately be measured on the A-weighted scale. Said provision shall be added upon recommendation of the administrator and approval of the city council and State Department of Ecology at such time when the administrator deems necessary, and funding for equipment, personnel and other items necessary for the implementation of the provision are available. (Ord. 534-78 § 3(c), 1978)

20.08.060 Motor vehicle noise—Maximum permissible levels.

It is unlawful for any person to operate any motor vehicle upon any public highway or any combination of such vehicles under any conditions of grade, load, acceleration, or deceleration in such a manner as to exceed the maximum permissible sound levels for the category of vehicle, as measured at a distance of fifty feet from the center of the lane of travel within the speed limits specified, under procedures established by the State Commission on Equipment in Chapter 204-56 WAC.

Vehicle Category	35 MPH or Less	Over 35 MPH
Motor vehicles over 10,000 pounds GVWR or GCWR	86 dB(A)	90 dB(A)
Motorcycles	80 dB(A)	84 dB(A)
All other motor vehicles (Ord. 534-78 § 4(a), 1978)	76 dB(A)	80 dB(A)

20.08.070 Motor vehicle noise—Maximum levels for new vehicles.

It is unlawful for any person to sell or offer for sale a new motor vehicle, except an off-highway vehicle, which produces a maximum noise exceeding the following noise levels at a distance of fifty feet under acceleration test procedures established by the State Commission on Equipment in Chapter 204-56 WAC.

Vehicle Category	
Motorcycles manufactured after 1975	83 dB(A)
Any motor vehicle over 10,000 pounds GVWR or GCWR manufactured after 1975	86 dB(A)
Any motor vehicle over 10,000 pounds GVWR or GCWR manufactured after January 1, 1978	83 dB(A)
Any motor vehicle over 10,000 pounds GVWR or GCWR manufactured after January 1, 1982	80 dB(A)
All other motor vehicles (Ord. 534-78 § 4(b), 1978)	80 dB(A)

20.08.080 Motor vehicle noise—Specific prohibitions.

A. Mufflers. Every motor vehicle operated upon the public highways shall at all times be equipped with a muffler in good working order and constant operation.

B. Tire Noise. It is unlawful for any person to operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, provided that noise resulting from emergency braking to avoid imminent danger shall be exempt from this section.

C. Alteration of Motor Vehicles. It is unlawful for any person to change or modify any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed in Sections [20.08.060](#) and 20.08.070 of this chapter. (Ord. 534-78 § 4(c), 1978)

20.08.090 Public nuisance and disturbance noises.

A. Public Nuisance Noises. Pursuant to Section [20.08.200](#) of this chapter, the administrator may determine that a sound constitutes a public nuisance noise as defined herein. It is unlawful for any person to cause or allow to be emitted a noise which has been determined a public nuisance noise.

B. Public Disturbance Noises. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance. No sound source specifically exempted from a maximum permissible sound level by this chapter shall be a public nuisance noise or public disturbance noise insofar as the particular source is exempted. The following sources of sound shall be public disturbance noises and are also subject to regulation under the provisions of Sections [20.08.030](#) through 20.08.050:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

2. The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within District I so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

3. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

4. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;

5. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;

6. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible

greater than fifty feet from the source, and if not operated upon the property of the operator;

7. Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator; and

8. The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts. (Ord. 2394-99 § 11, 1999; Ord. 1971-93 § 1, 1993; Ord. 690-80 § 2, 1980; Ord. 534-78 § 5, 1978)

20.08.100 Noises exempt—At all times—Partially exempt noises.

A. The following noises are exempt from the provisions of this chapter at all times: provided, that nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, Chapter 34.04 RCW:

1. Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;

2. Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety release intent of the device;

3. Noise created by fire alarms;

4. Noise created by emergency equipment, including, but not limited to, emergency standby or backup equipment, and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community; and including, but not limited to, any emergency work necessary to replace or repair essential utility services;

5. Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

6. Noise originating from officially sanctioned parades, sporting events and other public events;

7. Noise created by warning devices not operated continuously for more than thirty minutes per incident;

8. Noise created by motor vehicles when regulated by Sections [20.08.060](#) through [20.08.080](#);

9. Noise caused by natural phenomena;

10. Noise created by motor vehicles, licensed or unlicensed, when operated off public highways except when such sounds are received in District I of the city;

11. Noise originating from existing natural gas transmission facilities until such time as the state sets regulations governing said facilities.

B. The following sources of noise are exempt or partially exempt from the provisions of this chapter:

1. Noise created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad;

2. Noise created by watercraft and float planes;

3. Noise emanating from temporary construction sites except between the hours of ten p.m. and seven a.m.; provided, however, noise emanating from temporary construction sites is exempt or partially exempt from the provisions of this chapter except between the hours of ten p.m. and seven a.m. on weekdays and six p.m. and eight a.m. on Saturdays, Sundays and state recognized holidays if the receiving property is located within District I of the city;

4. Noise emanating from marine-oriented construction sites except between the hours of ten p.m. and seven a.m. on weekdays and weekends if the receiving property is located in District I of the city;

5. Noise created by aircraft-engine testing and maintenance not related to flight operations, except between the hours of ten p.m. and seven a.m.;

6. Noise originating from motor vehicle racing events at existing authorized facilities.

C. It is the intention of the city council to consider amendments to this chapter controlling the sources exempted in subsection B of this section after the State Department of Ecology promulgates specific regulations relating to these sources in the future. (Ord. 1971-93 § 2, 1993; Ord. 1556-89 § 2, 1989; Ord. 564-78 §§ 1—3, 1978; Ord. 534-78 § 6(a), (b), 1978)

20.08.110 Noises exempt during daytime hours

The following noises shall be exempt from the provisions of this chapter between the hours of seven a.m. and ten p.m. on weekdays and nine a.m. and ten p.m. on weekends:

A. Noise created by powered equipment used in temporary or periodic maintenance or repair of residential property, including but not limited to grounds and appurtenances, such as lawn mowers, powered hand tools, and composters;

B. Noise created by the discharge of firearms on authorized shooting ranges;

C. Noise created by the installation or repair of essential utility services;

D. Noise created by blasting;

E. Noise created by bells, chimes or carillons not operating for more than five minutes in any one hour;

F. Noise originating from forest harvesting and silvicultural activity. (Ord. 534-78 § 6(c), 1978)

20.08.120 Noises exempt from nighttime reduction.

The following noises are exempt from the provisions of subsection A of Section [20.08.050](#):

A. Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations;

B. Noise created by sources in industrial districts which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of fifteen hours per day as a demonstrated routine or as a consequence of process necessity. No changes which would increase the noise emitted under this exemption shall be permitted without approval of the Department of Ecology. Changes in working hours which would affect exemptions under this regulation require approval of the Department of Ecology. (Ord. 564-78 § 4, 1978; Ord. 534-78 § 6(d), 1978)

20.08.130 Administrator established—Qualifications, powers and duties.

A. Establishment. The position of administrator is hereby established. The administrator is authorized and directed to administer and enforce the provisions of this chapter.

B. Qualifications of Administrator. The administrator shall be a person having a working knowledge of acoustics and competent in the field of noise control. The administrator shall have completed instructional guidance provided by the State Department of Ecology or other recognized institution to operate Type I and Type II sound level meters, and make all computations and calculations necessary to enforce this chapter.

C. Duties of Administrator. The duties of the administrator shall include but are not limited to:

1. Obtaining assistance from other appropriate city departments and officials;
2. Training police officers and staff;
3. Purchasing measuring instruments and training inspectors in their calibration and use;
4. To establish a noise control field procedures manual providing techniques and procedures for measuring or reducing noise and to provide for clarification, interpretation and implementation of this chapter;
5. Investigating citizens' noise complaints;
6. Issuing orders for the reduction or elimination of noise in accordance with Section [20.08.200](#);
7. Granting or denying variances according to procedures specified in Section [20.08.150](#);
8. Assisting citizens and city departments in evaluating and reducing the noise impact of their activities;
9. Assisting city planning officials in evaluating the noise component in planning and zoning actions;
10. Developing a generalized sound exposure map of the city; a long-term plan for achieving quiet in the city, and with the approval of the city council, integrating this plan into the planning process of the city;
11. Instituting a public education program on noise;
12. Reviewing at least every three years the provisions of ordinance and recommending revisions consistent with technology to reduce noise. (Ord. 534-78 § 7, 1978)

20.08.140 Measurement of sound.

A. If the measurements of sound are made with a sound level meter, it shall be an instrument in good operating condition meeting the requirements for a Type I or Type II instrument, as delineated in American National Standards Institute Specifications (ANSI) Section 1.4-1971. If the measurements are made with other instruments, or assemblages of instruments, the procedure must be carried out in such a manner that the overall accuracy shall be at least that called for in Section 1.4-1971 ANSI for Type II instruments.

B. When the location, distance or technique for measurement of sound is impractical or would yield misleading or inaccurate results, measurements shall be taken at other locations or distances utilizing appropriate correction factors, as specified in the rules promulgated by the administrator.

C. Where a receiving property is partly within one district and partly within another, the maximum permissible noise level at a point within the property boundary shall be that permitted into a receiving property wholly within the district in which the sound is measured. (Ord. 534-78 § 8, 1978)

20.08.150 Variance procedure—Generally.

A. 1. Any person who owns or is in possession of any property or use, or any process or equipment, may make a request for a variance to the administrator as established in Section [20.08.130](#) for relief from any provision of this chapter governing the quality, nature, duration or extent of discharge of noise. The application shall be accompanied by such information and data as the administrator may require.

2. The city council shall promulgate, and the administrator shall enforce the rules and regulations governing the application for and granting of such variances, including hearings and notice.

B. A variance or its renewal shall not be the right of the applicant or holder thereof, but shall be at the reasonable discretion of the administrator.

C. No variance shall be granted pursuant to this section until the administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public.

D. An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance granted.

E. Variances granted pursuant to this chapter may be renewed on terms and conditions and for periods which would be appropriate on the initial granting of a variance. No renewal shall be granted except on application made at least sixty days prior to the expiration of the variance.

F. Any person aggrieved by the denial, grant or terms and conditions on the grant of an application or renewal of a variance by the administrator may appeal such decision under procedures set forth in Sections [20.08.160](#) through 20.08.190 of this chapter. (Ord. 534-78 § 9, 1978)

20.08.160 Right to appeal.

Any person aggrieved by an order, decision, ruling or interpretation by the administrator, including a variance decision, may file an appeal in writing with the board of adjustment (established by EMC Section [19.70.010](#)) within a period of time set by the board. Any appeal of an order, decision, ruling or interpretation by the administrator may be affirmed, reversed or modified in the board's final order. The decision of the board shall be final, and the appellant and the administrator bound thereby. All orders by the board pursuant to this section and Sections [20.08.170](#) through 20.08.190 shall include a report giving findings of fact, conclusions, and its decision. (Ord. 534-78 § 10(a), 1978)

20.08.170 Appeal procedure.

A. Any person who desires to file an appeal pursuant to the provision set forth in this section and Sections [20.08.160](#), 20.08.180 and 20.08.190 shall file a written appeal to the secretary of the board and a filing fee of ten dollars. The written appeal shall contain the following information:

1. The names of all appellants participating in the appeal;
2. A brief statement of the specific action protested, together with any material facts claimed to support the contentions of the appellant;
3. A brief statement of the relief sought, and the reason why it is claimed the protested action should be reversed, modified, or otherwise set aside;
4. The signatures of all parties named as appellants and their mailing addresses;
5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The board shall fix a reasonable time for the hearing of the request for a variance, give due notice thereof to the appellants and general public, and decide the same within a reasonable time after the hearing. The final disposition by the board shall be in the form of an order, and copies thereof shall be sent to the administrator and appellants. (Ord. 534-78 § 10(b), 1978)

20.08.180 Variance procedure—Board of adjustment authority.

A. No variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds that all of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the appellant's property, or as to the intended use thereof, that do not apply generally to other properties in the same noise control district;

2. That such variance is necessary for the preservation and enjoyment of a substantial personal or property right of the appellant possessed by the owners of other properties in the same noise control district;

3. That the authorization of such variance does not endanger public health or safety of named persons in the same or adjacent noise control districts;

4. That the granting of such variance will not adversely affect the general policy and purpose of this act set forth in Section [20.08.010](#) of this chapter.

B. In authorizing a variance, the board may attach thereto such conditions regarding noise level, duration, type and other considerations as the board may deem necessary to carry out the policy and purpose of this chapter. (Ord. 534-78 § 10(c), (d), 1978)

20.08.190 Hearing officer.

If at the time of enactment of this chapter, or subsequent thereto, the position of administrative hearing officer is created, said officer shall perform the functions relating to this chapter over which it has power to act either in conjunction or in lieu of the board of adjustment. If the hearing officer is not delegated the powers to perform the functions of the board or if the hearing officer position is repealed, the board shall resume the functions set forth in this section and Sections [20.08.160](#) through 20.08.180. (Ord. 534-78 § 10(e), 1978)

20.08.200 Enforcement—Complaints.

A. Complaint Only Basis. Only after a complaint has been received from an identifiable person who owns, rents or leases property that is affected by a noise source and said complaint has been investigated by the administrator, the administrator may initiate proceedings as provided in subsection B of this section; provided, that the section of this chapter relating to motor vehicles shall be subject to enforcement proceedings regardless of whether a complaint has been received; provided, further, that with the exception of motor vehicle noise, noises created by industrial areas are to be enforced by the state of Washington.

B. Administrative Proceeding. Whenever the administrator has received a valid complaint from an identifiable person who owns, rents or leases property that is affected by a noise source, and as a result has reason to believe that an unlawful act under this chapter has been committed, he may serve a written notice and order directed to the owner or operator of the source, the person in possession of the property where the sound originated, or the holder of a variance. One copy shall also be posted on the property or source if reasonably possible, and another copy shall be mailed to each complainant about the noise, and additional copies may be mailed to other interested or affected persons as the administrator deems appropriate.

1. The notice shall contain a brief and concise description of the conditions alleged to be in violation or to be a public nuisance noise, the provisions of this chapter alleged to have been violated, and sound level readings, if taken, including the time and place of their recording.

2. The order shall contain a statement of the corrective action required and shall specify a reasonable time within which the action must be accomplished.

C. Final Orders. Any order issued by the administrator pursuant to this chapter shall become final unless, no later than ten days after the order is served, a person named in the notice and order files an appeal with the board of adjustment (or hearing examiner if applicable) in accordance with Sections [20.08.160](#) through 20.08.190.

D. Separate Offenses. For enforcement purposes, each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which violation of this chapter occurs, shall constitute a separate violation. (Ord. 534- 78 § 11, 1978)

20.08.210 Provisions not exclusive.

The provisions of this chapter shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall this chapter be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise. (Ord. 534-78 § 13(a), 1978)

20.08.220 Violation—Penalty.

A. Punishment for Violations and Crimes. Every offense defined by this chapter or conduct made unlawful hereby shall also constitute an offense under the Everett criminal code, and any person convicted of such an offense shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the jail not to exceed six months, or both imprisonment and fine.

B. Evidence in Criminal Proceedings. In any criminal prosecution under Section [20.08.080](#)(A) and (B) or Section [20.08.090](#)(A) and (B), evidence of sound level through the use of a sound-level meter reading shall not be necessary to establish the commission of the offense.

C. Penalty for Failure to Comply with Final Orders. In addition to any other sanction or remedial injunctive procedure which may be available at law or equity, any person failing to comply with a final order issued by the administrator or board of adjustment (hearing officer if appropriate), shall be subject to a cumulative civil penalty in an amount not to exceed one hundred dollars per day from the date set for compliance until such order is complied with. The civil penalty shall be collected by such action brought in the name of the city. (Ord. 690-80 § 3, 1980; Ord. 534-78 § 12, 1978)