

ORDINANCE NO. 1539

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Building and Construction Code, and repealing the City's Sound Code, DMMC 14.08.180 through DMMC 14.08.440 and the previously codified provisions of sections 43 through 69 of Ordinance No. 1407.

WHEREAS, the Port of Seattle's ongoing Part 150 Study is concluding that noise impacted areas within the City of Des Moines forecasted for 2016 are substantially smaller than was the case in 1998 because of quieter aircraft and improved flight operations, and

WHEREAS, continuing improvements in State building and energy codes are resulting in quieter homes, and

WHEREAS, the development community frequently cites the City's Sound Code as unnecessary, not economically justified and overly burdensome to both home owners who want to upgrade their windows or remodel their homes, or developers looking to provide the lowest cost product to their customers, and

WHEREAS, the City Council wishes to make the City as attractive to development and friendly to its residents as possible while protecting public health and safety, and

WHEREAS, a decision to repeal the City Sound Code will not affect the eligibility of City homeowners and institutions from receiving Port of Seattle remediation money to sound insulate their homes and institutions, and

WHEREAS, the City Council still desires to help homeowners make the best possible decision regarding sound protection by providing written, web-based and in person consumer information; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Repealed.

(1) DMMC 14.08.180 and section 43 of Ordinance No. 1407 are hereby repealed.

(2) DMMC 14.08.190 and section 44 of Ordinance No. 1407 are hereby repealed.

(3) DMMC 14.08.200 and section 45 of Ordinance No. 1407 are hereby repealed.

(4) DMMC 14.08.210 and section 46 of Ordinance No. 1407 are hereby repealed.

(5) DMMC 14.08.220 and section 47 of Ordinance No. 1407 are hereby repealed.

(6) DMMC 14.08.230 and section 48 of Ordinance No. 1407 are hereby repealed.

(7) DMMC 14.08.240 and section 49 of Ordinance No. 1407 are hereby repealed.

(8) DMMC 14.08.250 and section 50 of Ordinance No. 1407 are hereby repealed.

(9) DMMC 14.08.260 and section 51 of Ordinance No. 1407 are hereby repealed.

(10) DMMC 14.08.270 and section 52 of Ordinance No. 1407 are hereby repealed.

(11) DMMC 14.08.280 and section 53 of Ordinance No. 1407 are hereby repealed.

(12) DMMC 14.08.290 and section 54 of Ordinance No. 1407 are hereby repealed.

(13) DMMC 14.08.300 and section 55 of Ordinance No. 1407 are hereby repealed.

(14) DMMC 14.08.310 and section 56 of Ordinance No. 1407 are hereby repealed.

(15) DMMC 14.08.320 and section 57 of Ordinance No. 1407 are hereby repealed.

(16) DMMC 14.08.330 and section 58 of Ordinance No. 1407 are hereby repealed.

(17) DMMC 14.08.340 and section 59 of Ordinance No. 1407 are hereby repealed.

(18) DMMC 14.08.350 and section 60 of Ordinance No. 1407 are hereby repealed.

(19) DMMC 14.08.360 and section 61 of Ordinance No. 1407 are hereby repealed.

(20) DMMC 14.08.370 and section 62 of Ordinance No. 1407 are hereby repealed.

(21) DMMC 14.08.380 and section 63 of Ordinance No. 1407 are hereby repealed.

(22) DMMC 14.08.390 and section 64 of Ordinance No. 1407 are hereby repealed.

(23) DMMC 14.08.400 and section 65 of Ordinance No. 1407 are hereby repealed.

(24) DMMC 14.08.410 and section 66 of Ordinance No. 1407 are hereby repealed.

(25) DMMC 14.08.420 and section 67 of Ordinance No. 1407 are hereby repealed.

(26) DMMC 14.08.430 and section 68 of Ordinance No. 1407 are hereby repealed.

(27) DMMC 14.08.440 and section 69 of Ordinance No. 1407 are hereby repealed.

Sec. 2. Savings clause. DMMC 14.08.180 through 14.08.440 and sections 43 through 69 of Ordinance No. 1407, which are repealed by this Ordinance, shall remain in force and effect until the effective date of this Ordinance.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 4. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 26th day of April, 2012 and signed in authentication thereof this 26th day of April, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: May 2, 2012

Effective Date: May 26, 2012

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1539, Adopted April 26, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the City's Building and Construction Code, and repeals the City's Sound Code, DMMC 14.08.180 through DMMC 14.08.440 and the previously codified provisions of sections 43 through 69 of Ordinance No. 1407.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: May 26, 2012