

ORDINANCE NO. 2009-042

Adopted by the Sacramento City Council

September 8, 2009

AN ORDINANCE AMENDING SECTION 8.68.260 OF THE SACRAMENTO CITY CODE RELATING TO VARIANCES FROM NOISE STANDARDS AND REGULATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. Section 8.68.260 of the Sacramento City Code is amended to read as follows;

8.68.260 Variance procedure.

- A. The owner or operator of a noise source that violates any of the provisions of this chapter may file an application for a variance from the provisions of this chapter. The application shall set forth all actions taken to comply with this chapter, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance, and a proposed time schedule for its accomplishment. If the applicant determines that compliance cannot be feasibly achieved at all, the application shall also set forth the reasons for such determination, the actions that have been taken to comply with this chapter, a proposed method for complying as nearly as is feasible, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee in the amount established by resolution of the city council. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or several fixed sources on a single property may be combined into one application.
- B. Except as provided in subsections (C) and (D), below, relating to required findings, terms and conditions of granting a variance, and factors to take into consideration, the application for a variance under this section shall be accepted and processed and a decision on the application shall be made in the same manner and subject to the same procedures and requirements as a zoning administrator variance under section 17.216.040 of this code.
- C. After the public hearing, the decision-maker may grant a variance if it finds, after full consideration of all of the facts, that strict compliance with the requirements of this chapter will cause practical difficulties, unnecessary hardship, or unreasonable expense. A variance may be for a limited period and may be subject to any terms, conditions, and requirements as the decision-maker deems reasonable to achieve maximum compliance with the provisions of this chapter. The terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.

- D. Each variance shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. The decision-maker shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment and the general public interest and welfare.

Adopted by the City of Sacramento City Council on September 8, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

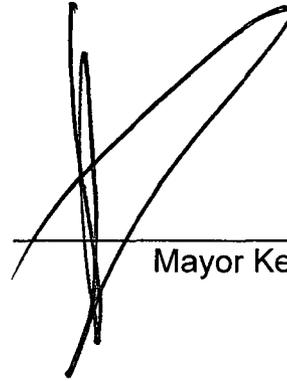
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson

Passed for Publication: August 25, 2009

Published: August 28, 2009

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