



Legislation Text

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AN ORDINANCE related to noise provisions; amending Ordinance 1396, Article III Section 7, as amended, and K.C.C. 11.04.230, Ordinance 3139, Section 101, and K.C.C. 12.86.010, Ordinance 3139, Section 102, and K.C.C. 12.86.020, Ordinance 3139, Section 2 (part), as amended, and K.C.C. 12.87.010, Ordinance 3139, Section 302, and K.C.C. 12.88.020, Ordinance 3139, Section 3030, as amended, and K.C.C. 12.88.030, Ordinance 3139, Section 401, and K.C.C. 12.90.010, Ordinance 3139, Section 403, and K.C.C. 12.90.030, Ordinance 3139, Section 404, and K.C.C. 12.90.040, Ordinance 3139, Section 405, and K.C.C. 12.90.050, Ordinance 3139, Section 406, and K.C.C. 12.90.060, Ordinance 5096, Section 5, and K.C.C. 12.91.010, Ordinance 5096, Section 6, and K.C.C. 12.91.020, Ordinance 3139, Section 501, as amended, and K.C.C. 12.92.010, Ordinance 3139, Section 502, as amended, and K.C.C. 12.92.020, Ordinance 3139, Section 601, as amended, and K.C.C. 12.94.010, Ordinance 3139, Section 602, as amended, and K.C.C. 12.94.020, Ordinance 4449, Section 2, and K.C.C. 12.94.040, Ordinance 3139, Section 701, as amended, and K.C.C. 12.96.010, Ordinance 3139, Section 801, as amended, and K.C.C. 12.98.010, Ordinance 3139, Section 804, and K.C.C. 12.98.040, Ordinance 14114, Section 18, and K.C.C. 12.99.015, Ordinance 13263, Section 37, as amended, and K.C.C. 23.32.010, Ordinance 3139, Section 902, as amended, and K.C.C. 12.99.020,

Ordinance 3139, Section 1001, and K.C.C. 12.100.010, Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020, Ordinance 15053, Section 11, as amended, and K.C.C. 16.82.105 and Ordinance 10870, Section 445, as amended, and K.C.C. 21A.22.070, adding new sections to K.C.C. chapter 12.86, adding a new section to K.C.C. chapter 27.10, recodifying K.C.C. 12.87.010, K.C.C. 12.88.010, K.C.C. 12.88.020, K.C.C. 12.88.030, K.C.C. 12.90.010, K.C.C. 12.90.020, K.C.C. 12.90.030, K.C.C. 12.90.040, K.C.C. 12.90.050, K.C.C. 12.90.060, K.C.C. 12.91.010, K.C.C. 12.91.020, K.C.C. 12.92.010, K.C.C. 12.92.020, K.C.C. 12.94.010, K.C.C. 12.94.020, K.C.C. 12.94.040, K.C.C. 12.96.010, K.C.C. 12.96.020, K.C.C. 12.98.010, K.C.C. 12.98.040, K.C.C. 12.98.050, K.C.C. 12.99.015, K.C.C. 12.99.020 and K.C.C. 12.100.010, repealing Ordinance 1239, Sections 2 through 9, as amended, and K.C.C. 12.44.260, Resolution 16588, as amended, and K.C.C. 12.44.270, Ordinance 3139, Section 201, and K.C.C. 12.87.020, Ordinance 3139, Section 202, and K.C.C. 12.87.030, Ordinance 3139, Section 203, and K.C.C. 12.87.040, Ordinance 3139, Section 204, and K.C.C. 12.87.050, Ordinance 3139, Section 205, and K.C.C. 12.87.060, Ordinance 3139, Section 206, as amended, and K.C.C. 12.87.070, Ordinance 3139, Section 207, and K.C.C. 12.87.080, Ordinance 3139, Section 208, and K.C.C. 12.87.090, Ordinance 3139, Section 209, and K.C.C. 12.87.100, Ordinance 3139, Section 210, and K.C.C. 12.87.110, Ordinance 3139, Section 211, and K.C.C. 12.87.120, Ordinance 3139, Section 212, and K.C.C. 12.87.130, Ordinance 14114, Section 2, and K.C.C. 12.87.133, Ordinance 14114, Section 3, and K.C.C. 12.87.137, Ordinance 3139, Section 213, and K.C.C. 12.87.140, Ordinance 3139, Section 214, and K.C.C. 12.87.150, Ordinance 3139, Section

215, and K.C.C. 12.87.160, Ordinance 3139, Section 216, as amended, and K.C.C. 12.87.170, Ordinance 3139, Section 217, an K.C.C. 12.87.180, Ordinance 3139, Section 218, and K.C.C. 12.87.190, Ordinance 3139, Section 219, and K.C.C. 12.87.200, Ordinance 3139, Section 220, and K.C.C. 12.87.210, Ordinance 3139, Section 221, and K.C.C. 12.87.220, Ordinance 3139, Section 222, and K.C.C. 12.87.230, Ordinance 3139, Section 223, and K.C.C. 12.87.240, Ordinance 3139, Section 224, and K.C.C. 12.87.250, Ordinance 3139, Section 225, and K.C.C. 12.87.260, Ordinance 3139, Section 226, and K.C.C. 12.87.270, Ordinance 3139, Section 227, and K.C.C. 12.87.280, Ordinance 14114, Section 4, and K.C.C. 12.87.285, Ordinance 5096, Section 3, and K.C.C. 12.87.290, Ordinance 3139, Section 228, as amended, and K.C.C. 12.87.300, Ordinance 3139, Section 229, as amended, and K.C.C. 12.87.310, Ordinance 3139, Section 230, and K.C.C. 12.87.320, Ordinance 3139, Section 231, and K.C.C. 12.87.330, Ordinance 3139, Section 2322, and K.C.C. 12.87.340, Ordinance 3139, Section 233, as amended, and K.C.C. 12.87.350, Ordinance 3139, Section 234, and K.C.C. 12.87.360, Ordinance 3139, Section 235, and K.C.C. 12.87.370, Ordinance 14114, Section 8, and K.C.C. 12.88.040, Ordinance 5096, Section 7, and K.C.C. 12.91.030, Ordinance 3139, Section 503, and K.C.C. 12.92.030, Ordinance 3139, Section 702, as amended, and K.C.C. 12.96.020, Ordinance 9224, Section 2, and K.C.C. 12.96.030, Ordinance 3139, Section 802, and K.C.C. 12.98.020, Ordinance 3139, Section 803, and K.C.C. 12.98.030 and Ordinance 3139, Section 901, as amended, and K.C.C. 12.99.010 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1396, Article III Section 7, as amended, and K.C.C. 11.04.230 are each hereby

amended to read as follows:

For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

- A. Any public nuisance relating to animal care and control known at common law or in equity jurisprudence;
- B. A dog running at large within the county;
- C. Any domesticated animal, whether licensed or not, that runs at large in any park or enters any public beach, pond, fountain or stream or upon any public playground or school ground. However, this subsection shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when the animal is on a leash, tether or chain not to exceed eight feet in length. Also, this subsection shall not apply to any person using a trained service animal, to animal shows, exhibitions or organized dog-training classes if at least twenty-four hours' advance notice has been given to the animal care and control authority by those persons requesting to hold the animal shows, exhibitions or organized dog-training classes;
- D. Any domesticated animal that enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. However, this subsection shall not apply to any person using a trained service animal, to veterinary offices or hospitals or to animal shows, exhibitions or organized dog-training classes if at least twenty-four hours' advance notice has been given to the animal care and control authority by the persons requesting to hold the animal shows, exhibitions or organized dog-training classes;
- E. Any female domesticated animal, whether licensed or not, while in heat and accessible to other animals for purposes other than controlled and planned breeding;
- F. Any domesticated animal that chases, runs after or jumps at vehicles using the public streets and alleys;
- G. Any domesticated animal that habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways;
- H. Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons

or property off the animal's premises or lawfully on the animal's premises. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;

I. Any vicious animal or animal with vicious propensities that runs at large at any time is off the owner's premises not securely leashed on a line or confined and in the control of a person of suitable age and discretion to control or restrain the animal. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;

J. Any (~~domesticated~~) animal that howls, yelps, whines, barks or makes other oral noises to an unreasonable degree, in such a manner as to disturb a(~~ny~~) person or neighborhood (~~to an unreasonable degree~~));

K. Any domesticated animal that enters upon a person's property without the permission of that person;

L. Animals staked, tethered or kept on public property without prior written consent of the animal care and control authority;

M. Animals on any public property not under control by the owner or other competent person;

N. Animals harbored, kept or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian; and

O. Animals running in packs.

SECTION 2. Ordinance 1239, Sections 2 through 9, as amended, and K.C.C. 12.44.260 are each hereby repealed.

SECTION 3. Resolution 16588, as amended, and K.C.C. 12.44.270 are each hereby repealed.

SECTION 4. Ordinance 3139, Section 101, and K.C.C. 12.86.010 are each hereby amended to read as follows:

It is the policy of King County to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the county council to control the level of noise in a manner (~~which~~) that

promotes; commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment. The sheriff serves an important function in maintaining public health, safety and welfare by responding to resident complaints, typically in the context of neighborhood noise disturbances. The director also plays an important role in noise control through oversight of permitted activities that generate noise, such as construction work. The sheriff and the director each have authority to enforce this chapter pursuant to its provisions.

SECTION 5. Ordinance 3139, Section 102, and K.C.C. 12.86.020 are each hereby amended to read as follows:

Since the county enacted its noise ordinance in 1977, population density has increased, creating more noise-related conflict. Conversely, county resources have shrunk, as has the county's ability to effectively enforce its noise ordinance, especially the expensive-to-enforce decibel-related provisions. These factors point to a need to revise the county's approach to controlling excessive noise. The county can better protect, promote and preserve the public's health, safety and welfare by decreasing reliance on decibel provisions and improving its public disturbance-based enforcement system.

The problem of noise in King County has been studied since 1969 by two appointed citizen committees and since 1974 by the councils of King County and the city of Seattle. On the basis of this experience and knowledge of conditions within King County, the ((King County)) council ((hereby)) finds that special conditions exist within the county ((which make necessary any and all differences between Chapters 12.86 through 12.100 and the regulations adopted)) that necessitate standards, limits and control measures regarding noise that may differ from those adopted or controlled by the Washington state Department of Ecology.

SECTION 6. K.C.C. 12.87.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 7. Ordinance 3139, Section 2 (part), as amended, and K.C.C. 12.87.010 are each hereby amended to read as follows:

~~((All technical terminology used in K.C.C. chapters 12.86 through 12.100 not defined in this chapter, shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1994 and Section 1.4-1983. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine. For the purposes of K.C.C. chapters 12.86 through 12.100, the words and phrases have the meanings set forth in this chapter.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Commercial agriculture" means the production of livestock or agricultural commodities on lands defined as "farm and agricultural land" by RCW 84.34.020 and the offering of the livestock and agricultural commodities for sale.

B. "Construction" means any site preparation, grading, building, demolition, substantial repair, alteration or similar action.

C. "dB(A)" means the sound level measured in decibels, using the "A" weighting network.

D. "Director" means the director of the department of permitting and environmental review or the director's designee.

E. "District" means the land use zones to which this chapter is applied. For the purposes of this chapter:

1. "Commercial district" includes zones designated in the King County zoning code as O, NB, CB and RB;

2. "Industrial district" includes zones designated in the King County zoning code as I and M and special uses;

3. "Residential district" includes zones designated in the King County zoning code as UR and R-1 through R-48; and

4. "Rural district" includes zones designated in the King County zoning code as A, F, and RA.

F. "Equipment" means any stationary or portable device or any part thereof capable of generating sound.

G. "Impulsive sound" means sound having the following qualities: the peak of the sound level is less than one second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the peak value exceeds the ambient level by more than ten dB(A).

H. "Leq" means the equivalent sound level, that is the constant sound level in a given time that conveys the same sound energy as the actual time-varying, A-weighted sound.

I. "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. However, farm tractors and vehicles powered by engines of less than five horsepower are not included as "motorcycles."

J. "Motor vehicle" means a vehicle that is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16A.030. Aircraft, watercraft and vehicles used exclusively on stationary rails or tracks are not "motor vehicles."

K. "Motor vehicle racing event" means a competition between motor vehicles or off-highway vehicles, or both, conducted under a permit issued by a governmental authority having jurisdiction or, if such a permit is not required, under the auspices of a recognized sanctioning body.

L. "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine, or for the purpose of introducing water to the flow of the exhaust gas, and that is effective in reducing sound resulting therefrom.

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

N. "Off-highway vehicle" means a self-propelled motor-driven vehicle neither used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16A.030. "Off-highway vehicle" does not include a vehicle that is designed and used primarily for grading, paving, earthmoving and other construction work, that is not designed or used primarily for the transportation of persons or property on a public highway and that is only incidentally operated or moved over the highway.

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

or private.

P. "Public highway" means the entire width between the boundary lines of every way publicly maintained by the Washington state Department of Transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Q. "Real property" means an interest or aggregate of rights in land that is guaranteed and protected by law. "Real property" includes a leasehold interest.

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

S. "Sheriff" means the sheriff or the sheriff's authorized representative.

T. "Sound level" means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1983.

U. "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2 or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1983. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1983.

V. "Watercraft" means any contrivance, including aircraft taxiing, but excluding aircraft in the act of actual landing or takeoff, used or capable of being used as a means of transportation or recreation on water, powered by an internal or external combustion engine.

W. "Weekday" means any day Monday through Friday that is not a legal holiday.

X. "Weekend" means Saturday, Sunday or any legal holiday.

SECTION 8. Ordinance 3139, Section 201, and K.C.C. 12.87.020 are each hereby repealed.

SECTION 9. Ordinance 3139, Section 202, and K.C.C. 12.87.030 are each hereby repealed.

SECTION 10. Ordinance 3139, Section 203, and K.C.C. 12.87.040 are each hereby repealed.

SECTION 11. Ordinance 3139, Section 204, and K.C.C. 12.87.050 are each hereby repealed.

SECTION 12. Ordinance 3139, Section 205, and K.C.C. 12.87.060 are each hereby repealed.

SECTION 13. Ordinance 3139, Section 206, as amended, and K.C.C. 12.87.070 are each hereby repealed.

SECTION 14. Ordinance 3139, Section 207, and K.C.C. 12.87.080 are each hereby repealed.

SECTION 15. Ordinance 3139, Section 208, and K.C.C. 12.87.090 are each hereby repealed.

SECTION 16. Ordinance 3139, Section 209, and K.C.C. 12.87.100 are each hereby repealed.

SECTION 17. Ordinance 3139, Section 210, and K.C.C. 12.87.110 are each hereby repealed.

SECTION 18. Ordinance 3139, Section 211, and K.C.C. 12.87.120 are each hereby repealed.

SECTION 19. Ordinance 3139, Section 212, and K.C.C. 12.87.130 are each hereby repealed.

SECTION 20. Ordinance 14114, Section 2, and K.C.C. 12.87.133 are each hereby repealed.

SECTION 21. Ordinance 14114, Section 3, and K.C.C. 12.87.137 are each hereby repealed.

SECTION 22. Ordinance 3139, Section 213, and K.C.C. 12.87.140 are each hereby repealed.

SECTION 23. Ordinance 3139, Section 214, and K.C.C. 12.87.150 are each hereby repealed.

SECTION 24. Ordinance 3139, Section 215, and K.C.C. 12.87.160 are each hereby repealed.

SECTION 25. Ordinance 3139, Section 216, as amended, and K.C.C. 12.87.170 are each hereby repealed.

SECTION 26. Ordinance 3139, Section 217, and K.C.C. 12.87.180 are each hereby repealed.

SECTION 27. Ordinance 3139, Section 218, and K.C.C. 12.87.190 are each hereby repealed.

SECTION 28. Ordinance 3139, Section 219, and K.C.C. 12.87.200 are each hereby repealed.

SECTION 29. Ordinance 3139, Section 220, and K.C.C. 12.87.210 are each hereby repealed.

SECTION 30. Ordinance 3139, Section 221, and K.C.C. 12.87.220 are each hereby repealed.

SECTION 31. Ordinance 3139, Section 222, and K.C.C. 12.87.230 are each hereby repealed.

SECTION 32. Ordinance 3139, Section 223, and K.C.C. 12.87.240 are each hereby repealed.

SECTION 33. Ordinance 3139, Section 224, and K.C.C. 12.87.250 are each hereby repealed.

SECTION 34. Ordinance 3139, Section 225, and K.C.C. 12.87.260 are each hereby repealed.

SECTION 35. Ordinance 3139, Section 226, and K.C.C. 12.87.270 are each hereby repealed.

SECTION 36. Ordinance 3139, Section 227, and K.C.C. 12.87.280 are each hereby repealed.

SECTION 37. Ordinance 14114, Section 4, and K.C.C. 12.87.285 are each hereby repealed.

SECTION 38. Ordinance 5096, Section 3, and K.C.C. 12.87.290 are each hereby repealed.

SECTION 39. Ordinance 3139, Section 228, as amended, and K.C.C. 12.87.300 are each hereby repealed.

SECTION 40. Ordinance 3139, Section 229, as amended, and K.C.C. 12.87.310 are each hereby repealed.

SECTION 41. Ordinance 3139, Section 230, and K.C.C. 12.87.320 are each hereby repealed.

SECTION 42. Ordinance 3139, Section 231, and K.C.C. 12.87.330 are each hereby repealed.

SECTION 43. Ordinance 3139, Section 232, and K.C.C. 12.87.340 are each hereby repealed.

SECTION 44. Ordinance 3139, Section 233, as amended, and K.C.C. 12.87.350 are each hereby repealed.

SECTION 45. Ordinance 3139, Section 234, and K.C.C. 12.87.360 are each hereby repealed.

SECTION 46. Ordinance 3139, Section 235, and K.C.C. 12.87.370 are each hereby repealed.

SECTION 47. K.C.C. 12.88.010 is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 48. K.C.C. 12.88.020, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 49. Ordinance 3139, Section 302, and K.C.C. 12.88.020 are each hereby amended to read as follows:

A. For purposes of this subsection, sound levels shall be measured by a Type 1 or Type 2 sound level

meter. Sound level measurements shall be based on the Leq during the measurement interval, using a minimum measurement interval of one minute for a constant sound source or a thirty-minute measurement for a noncontinuous sound source. For sound sources located within unincorporated King County (~~or the city of Seattle~~), the maximum permissible sound levels are as follows:

~~((District of Sound Source~~ **District of Receiving Property**
~~Within King County))~~

Receiving Property District

	Rural	Residential	Commercial	Industrial
<u>Sound Source District</u>				
Rural	49 dB(A)	52 dB(A)	55 dB(A)	57 dB(A)
Residential	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
Commercial	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
Industrial	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

~~((B. For sound sources located outside King County and the city of Seattle, the maximum permissible sound levels are as follows:~~

~~EDNA of~~ **District of Receiving Property**
~~Sound Source~~ **Within King County**

	Rural	Residential	Commercial	Industrial
Class A	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
Class B	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
Class C	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A))

B. During a measurement interval, Lmax may exceed the sound level limits of this section by no more than 15 db(A). For the purposes of this subsection, "Lmax" means the maximum sound over a measurement interval determined by using a sound level meter set to "fast" response time.

C. Sounds created by auxiliary equipment operated on watercraft for the purposes of operation of a marina and clam and oyster harvesting, shall be governed by this section.

SECTION 50. K.C.C. 12.88.030, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 51. Ordinance 3139, Section 303, as amended, and K.C.C. 12.88.030 are each hereby amended to read as follows:

The maximum permissible sound levels established by this chapter shall be reduced or increased by the sum of the following:

A. Between ~~((ten))~~ 10:00 p.m. and ~~((seven))~~ 7:00 a.m. during weekdays, and between ~~((ten))~~ 10:00 p.m. and ~~((nine))~~ 9:00 a.m. on weekends, the levels established by K.C.C. 12.88.020, as recodified by this ordinance, are reduced by 10 dB(A) where the receiving property lies within a rural or residential district of King County.

The following sounds are exempt from this subsection:

1. Sounds created by existing stationary equipment used in the conveyance of water by a utility; and
2. Sounds created by electrical substations~~((:))~~;

B. For any source of sound that ~~((is periodic, that))~~ has a pure tone component ~~((or that is impulsive and is not measured with an impulse sound level meter))~~, the levels established by this chapter shall be reduced by 5 dB(A)~~((:))~~, but this reduction shall not be imposed on any electrical substation. For the purposes of this subsection, "pure tone component" means sound having the following qualities: a one-third octave band sound pressure level in the band with the tone that exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 decibels for center frequencies of 500 Hz and above, by 8 decibels for center frequencies between 160 and 400 Hz, and by 15 decibels for center frequencies less than or equal to 125 Hz; and

C. For any source of sound ~~((that is of short duration))~~ that is impulsive and not measured with an impulse sound level meter, the levels established by this chapter are ~~((increased))~~ reduced by 5 dB(A)~~((:))~~

- ~~1. 5 dB(A) for a total of fifteen minutes in any one-hour period; or~~
- ~~2. 10 dB(A) for a total of five minutes in any one-hour period; or~~
- ~~3. 15 dB(A) for a total of one and one-half minutes in any one-hour period).~~

SECTION 51. Ordinance 14114, Section 8, and K.C.C. 12.88.040 are each hereby repealed.

SECTION 52. K.C.C. 12.90.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 53. Ordinance 3139, Section 401, and K.C.C. 12.90.010 are each hereby amended to read as follows:

It is unlawful for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner as to exceed the ((following)) maximum permissible sound levels for the category of vehicle in Table I of WAC 173-62-030, as measured at a distance of fifty feet from the center of the lane of travel within the speed limits specified, by measurement procedures established by the State Commission on Equipment.

((Vehicle Category	35 mph or less	over 35 mph
Motorcycles	80 dB(A)	84 dB(A)
Motor vehicles over 10,000 pounds GVWR	86 dB(A)	90 dB(A)
or GCWR		
All other motor vehicles	76 dB(A)	80 dB(A))

SECTION 55. K.C.C. 12.90.020 is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 56. K.C.C. 12.90.030, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 57. Ordinance 3139, Section 403, and K.C.C. 12.90.030 are each hereby amended to read as follows:

It is unlawful for any person to modify or change 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 by this chapter. It is unlawful for any person to remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair((;)) or replacement, any muffler or sound-dissipative device on a motor vehicle.

SECTION 58. K.C.C. 12.90.040, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 59. Ordinance 3139, Section 404, and K.C.C. 12.90.040 are each hereby amended to read as follows:

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 a sound, from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason((; provided, that)). However, sound resulting from emergency braking to avoid imminent danger ((shall be)) is exempt from this section.

SECTION 60. K.C.C. 12.90.050, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 61. Ordinance 3139, Section 405, and K.C.C. 12.90.050 are each hereby amended to read as follows:

It is unlawful for any person to sell or offer for sale a new motor vehicle as defined by WAC 173-62-020, except an off-highway vehicle, which produces a maximum sound level exceeding the ((following maximum permissible)) sound levels in Table III of WAC 173-62-030 at a distance of fifty feet, by acceleration test procedures established by the State Commission on Equipment.

~~((Vehicle Category~~

~~Motorcycles manufactured after 1975~~ 83 dB(A)

~~Any motor vehicle over 10,000 lbs. GVWR manufactured after 1975~~ 86 dB(A)

~~and prior to 1978~~

~~Any motor vehicle over 10,000 lbs. GVWR manufactured after 1978~~ 83 dB(A)

~~All other motor vehicles~~ 80 dB(A))

SECTION 62. K.C.C. 12.90.060, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 63. Ordinance 3139, Section 406, and K.C.C. 12.90.060 are each hereby amended to read as follows:

Sounds created by motor vehicles are exempt from the maximum permissible sound levels of ~~((Chapter 12.88;))~~ K.C.C. 12.88.020, as recodified by this ordinance, and K.C.C. 12.88.030, as recodified by this ordinance, except that sounds created by any motor vehicle operated off public highways shall be subject to the sound levels of ~~((Chapter 12.88))~~ K.C.C. 12.88.020, as recodified by this ordinance, and K.C.C. 12.88.030, as recodified by this ordinance, when such sounds are received in rural or residential districts of King County.

SECTION 64. K.C.C. 12.91.010 is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 65. Ordinance 5096, Section 5, and K.C.C. 12.91.010 are each hereby amended to read as follows:

A. It is unlawful for any person to operate any watercraft on the water of King County in such a manner as to exceed the following maximum noise limits when measured within fifty feet of the shoreline or anywhere within a receiving property:

~~((A-))~~ 1. At any hour of the day or night, the limit for any receiving property shall be 74 dB(A); ~~((except that))~~ and

~~((B-))~~ 2. Between sunset and sunrise, the limit for sounds received within a rural or residential district shall be 64 dB(A). For the purpose of administering and enforcing this section, sunset will be interpreted as ~~((ten))~~ 10:00 p.m. and sunrise will be interpreted as ~~((seven))~~ 7:00 a.m.

B. Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging or pile driving are governed by section 78 of this ordinance.

SECTION 66. K.C.C. 12.91.020, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 67. Ordinance 5096, Section 6, and K.C.C. 12.91.020 are each hereby amended to read as follows:

A. It is unlawful for any person to operate any watercraft, except aircraft, on the waters of King County which is not equipped with a functioning underwater exhaust or a properly installed and adequately maintained muffler. Any one or more of the following defects in the muffling system shall constitute a violation of this section:

1. The absence of a muffler;
2. The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
3. Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes; or
4. The presence of equipment (~~which~~) that will produce excessive or unusual noise from the exhaust system.

B. Dry stacks or water-injected stacks not containing a series of chambers or mechanical designs effective in reducing sound shall not be considered as adequately maintained mufflers.

SECTION 68. Ordinance 5096, Section 7, and K.C.C. 12.91.030 are each hereby repealed.

SECTION 69. K.C.C. 12.92.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 70. Ordinance 3139, Section 501, as amended, and K.C.C. 12.92.010 are each hereby amended to read as follows:

A. 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 nuisance noise. (~~Pursuant to the notice and order procedure~~

~~incorporated by Chapter 12.99, the administrator may determine that a sound constitutes a public nuisance noise as defined in Section 12.87.220. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound which has been determined a public nuisance noise.))~~

For the purposes of this section, "public nuisance noise" means any sound that unreasonably annoys, injures, interferes with or endangers the comfort, repose, health or safety of a community or neighborhood, although the extent of damage may be unequal.

B. A noise need not exceed the maximum permissible sound levels of this chapter or be a public disturbance noise, as described in K.C.C. 12.92.020, as recodified by this ordinance, in order to be a public nuisance noise.

SECTION 71. K.C.C. 12.92.020, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 72. Ordinance 3139, Section 502, as amended, and K.C.C. 12.92.020 are each hereby amended to read as follows:

A. 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 noise. For the purposes of this section, "public disturbance noise" means any sound that unreasonably disturbs or interferes with the peace, comfort or repose of a person or persons. The hour of the day at which the sound occurs may be a factor in determining reasonableness. ((The following s))Sounds that are ((determined to be)) public disturbance noises~~((:))~~ may include, but are not limited to:

~~((A-))~~ 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;

~~((B. The creation of))~~ 2. ~~((f))~~ Frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft or internal-combustion engine ~~((so as to unreasonably disturb or interfere with the peace, comfort and repose of~~

~~property owners or possessors of real property));~~

~~((C.))~~ 3. 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;

~~((D.))~~ 4. ~~((The making of any))~~ Loud and raucous sound generated within one thousand feet of any school, hospital, ~~((sanitarium,))~~ nursing home or convalescent facility;

~~((E. The creation by use of a musical instrument, whistle, sound amplifier, or other device, capable of producing or reproducing sound, of loud and raucous sounds that emanate frequently, repetitively or continuously from any building, structure or property located within a rural or residential district, such as sounds originating from a band session or social gathering;))~~

~~F. Loud, raucous, frequent, repetitive or continuous sound created by: the use of any device capable of producing an impulsive sound such as when being struck by an object; by a whistle; by a sound amplifier; or by any audio equipment such as a radio, tape player, disc player or any other audio device capable of producing, reproducing or amplifying sound that can be clearly heard or felt at seventy five feet or more from the source of sound whether stationary, portable or in a motor vehicle when the sound is received in a residential or rural district))~~ 5. Loud and raucous sound that emanates frequently, repetitively or continuously from any building, structure or property, including watercraft, located within a rural or residential district or on an adjoining body of water, such as sounds originating from a band session or social gathering;

6. Frequent, repetitive or continuous sound, including but not limited to impulsive or amplified sound such as emanates from an audio device, where the sound is plainly audible or can be felt at fifty feet or more from the source of sound, or three hundred feet or more if the source of sound is from a watercraft, when the sound is received in a residential or rural district. For the purposes of this subsection A.6, "plainly audible" means any sound that can be detected by unaided hearing faculties of normal acuity, including, but not limited

to, being able to detect the rhythmic bass component of music coming from a sound amplifier regardless of whether the title, specific words or artist performing the song can be identified; and

~~((G-))~~ 7. Any sound out of doors that interferes with normal conversation at a distance of ~~((seventy five))~~ fifty feet or more from the source of the sound when the sound is received in a residential or rural district.

B. A noise need not exceed the maximum permissible sound levels of this chapter or be a public nuisance noise in order to be a public disturbance noise.

SECTION 73. Ordinance 3139, Section 503, and K.C.C. 12.92.030 are each hereby repealed.

SECTION 74. K.C.C. 12.94.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 75. Ordinance 3139, Section 601, as amended, and K.C.C. 12.94.010 are each hereby amended to read as follows:

The following sounds are exempt from ~~((K.C.C. chapters 12.86 through 12.100))~~ this chapter:

A. Sounds originating from aircraft in flight and sounds that originate at airports and are directly related to flight operations;

B. Sounds created by the normal operation of commercial, nonrecreational watercraft;

C. Sounds created by normal docking and undocking operations of all watercraft;

D. Sounds created by watercraft picking up or dropping off waterskiers while operating within the temporary speed limit exemption authorized in K.C.C. 12.44.230;

E. Sounds created by safety and protective devices, such as relief valves, if noise suppression would defeat the safety ~~((release))~~ intent of the device;

~~((C-))~~ F. Sounds created by fire alarms;

~~((D-))~~ G. Sounds created by warning devices of not more than fifteen minutes in duration per incident.

For the purposes of this subsection, "warning device" means a device that is working as intended to provide public warning of potentially hazardous, emergency or illegal activities, including, but not limited to, a burglar

alarm or vehicle backup signal, but not including any fire alarm;

H. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or ((øf)) for the health, safety or welfare of the community. For the purposes of this subsection, "emergency work" means work required to restore property to a safe condition following a disaster, as defined at K.C.C. 12.52.010, work required to protect persons or property from an imminent danger, work by private or public utilities for providing or restoring immediately necessary utility service, or work to address other emergencies as determined by the director. The director shall, within fourteen days of making such a determination under this section, document in a written decision the nature of the emergency work, why it is necessary for the health, safety or welfare of the community, any complaints about the noise and any objections to the director's determination. The written decision shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the law, justice, health and human services committee, or its successor;

~~((E.))~~ I. Sounds created by the discharge of firearms in the course of lawful hunting activities;

~~((F.))~~ J. Sounds caused by natural phenomena and unamplified human voices;

~~((G.))~~ K. Sounds originating from silviculture or forest ((harvesting and silviculture activity and from commercial agriculture)) practices conducted under chapter 76.09 RCW and Title 222 WAC if the receiving property is located in a rural, commercial or industrial district of King County;

~~((H.))~~ L. Sounds originating from commercial agriculture practices if the receiving property is located in a rural, commercial or industrial district of King County;

M. Sounds created by auxiliary equipment on motor vehicles used for public highway maintenance;

~~((I.))~~ N. Sounds created by off-highway vehicles while being used in officially designated all-terrain vehicle parks, except when the sound is received off the park site in a rural or residential district of King County and the sound measurably increases the ambient level; ((and

~~J. Sounds created by warning devices not operated continuously for more than thirty minutes per incident.~~

~~K.))~~ O. Sounds created by watercraft competing in a regatta or boat race held under a permit issued by the sheriff and sounds created while on trial runs or while on official trials for speed records during the time and in the designated area authorized by the permit;

P. Sounds created by motor vehicle racing events and motor vehicle testing and training, governed by and conducted in accordance with applicable King County permit conditions; and

Q. Sounds created by the legal discharge of fireworks as defined in K.C.C. 6.26.060 and K.C.C. 6.26.080((:

~~L. Sounds created by lawful pickets, marches, parades, rallies and other public events in rural districts~~ ~~)).~~

SECTION 76. K.C.C. 12.94.020, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 77. Ordinance 3139, Section 602, as amended, and K.C.C. 12.94.020 are each hereby amended to read as follows:

The following sounds are exempt from ~~((the K.C.C.))~~ this chapter~~((s 12.86 through 12.100))~~ between ~~((seven))~~ 7:00 a.m. and ((ten)) 10:00 p.m. on weekdays and between ((nine)) 9:00 a.m. and ((ten)) 10:00 p.m. on weekends, unless other hours are specified:

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

~~B. ((Sounds originating from officially sanctioned parades and other public events;~~

~~C.))~~ Sounds created by the discharge of firearms on legally established shooting ranges;

~~((D:))~~ C. Sounds created by blasting that are governed by K.C.C. 21A.22.070; and

~~((E:))~~ D. Sounds originating from silviculture or forest ~~((harvesting and silviculture activity and from~~

~~commercial agriculture~~) practices conducted under chapter 76.09 RCW and Title 222 WAC , if the receiving property is located in a residential district of King County. ~~((The administrator is authorized to promulgate regulations which extend the hours during which this exemption is in effect to conform with))~~ Forest practices exempt under this subsection include any operating hours designated by the Washington state Department of Natural Resources ~~((in directing))~~ as part of an official fire closure; ~~((and))~~

E. Sounds originating from commercial agriculture if the receiving property is located in a residential district of King County; and

~~F. ((Sounds created by motor vehicle racing events at existing, authorized facilities between 9 a.m. and, provided that such sounds shall be exempt until eleven p.m. on Fridays and Saturdays;~~

~~G.))~~ Sounds originating from lawful pickets, marches, parades, rallies and other similar public events ~~((in residential districts))~~.

NEW SECTION. SECTION 78. There is hereby added to K.C.C. chapter 12.86 a new section to read as follows:

A. Normal and usual sounds created by construction, including on or by watercraft, are restricted to the following hours unless otherwise specified by the director, and are exempt from this chapter except as provided in subsection C. of this section:

1. For heavy equipment used on construction sites, including crawlers, tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors and other similar equipment, operating hours are between 7:00 a.m. and 7:00 p.m. weekdays and between 9:00 a.m. and 7:00 p.m. weekends;

2. For impact types of construction equipment, including pavement breakers, pile drivers, jackhammers, sandblasting tools or other types of equipment or devices that create impulse noise or impact noise, operating hours are between 8:00 a.m. and 5:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on weekends; and

3. For all other construction activities, operating hours are between 7:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 8:00 p.m. on weekends.

B. This section does not apply to sound created by mineral extraction or materials processing operations, which are governed by K.C.C. chapter 21A.22.

C. Exterior construction sound levels heard from the interior of buildings within a commercial or industrial district, after efforts including closing windows and doors are taken to reduce the impact of the exterior construction noise, must not be unreasonable. Whether the construction sound levels are within the maximum permissible sound levels of this chapter may be a factor in determining reasonableness.

SECTION 79. K.C.C. 12.94.040, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 80. Ordinance 4449, Section 2, and K.C.C. 12.94.040 are each hereby amended to read as follows:

A. Subject to state and federal law, including the Aircraft Noise and Capacity Act of 1990, and the conditions of subsections ((A-through)) B. and C. of this section, sounds created by the testing and maintenance of aircraft, or components of aircraft, are exempt from ((the maximum permissible sound levels of Chapter 12.88)) K.C.C. 12.88.020, as recodified by this ordinance, and K.C.C. 12.88.030, as recodified by this ordinance, between ((the hours of seven)) 7:00 a.m. and ((ten)) 10:00 p.m. daily((; provided)), except that aircraft ((which)) that are regularly scheduled to depart between ((the hours of seven)) 7:00 a.m. and ((eight-thirty)) 8:30 a.m. shall, subject to the same conditions, be exempt between ((the hours of six)) 6:00 a.m. and ((ten)) 10:00 p.m.

((A-)) B. Testing and maintenance shall be performed at an airport designated as such by the Federal Aviation Administration ((prior to)) before September 10, 1979((, or by the administrator)).

((B-)) C. The aircraft or component shall be oriented parallel to the direction of any operational runway of the airport, or within ten degrees of parallel to any operational runway of the airport((, provided that)). ((t))I

his ~~((shall apply))~~ subsection applies only to Seattle-Tacoma International Airport.

~~((C.))~~ D. If the testing or maintenance is performed at the Seattle-Tacoma International Airport, the aircraft or component shall be entirely within the airport building restriction line boundary as defined on the map entitled "Seattle-Tacoma International Airport - Airport Plan" (prepared July 18, 1973, revised ~~((June 30, 1977))~~ December, 2007) and at areas designated by the airport proprietor. It is intended that this map be the reference map regardless of any future changes, ~~((provided that))~~ but the ~~((administrator))~~ director may grant exceptions to this part for good cause shown. A copy of this map is on file in the county clerk's office and at the Planning and Research Department of the Port of Seattle.

~~((D.))~~ E. If the testing or maintenance is performed at the Boeing Field/King County International Airport, the aircraft or component shall be entirely within the ultimate airport property line as shown on the map entitled "Boeing Field/King County International Airport - Airport Layout Plan" (prepared December 1, 1976, revised ~~((October 10, 1978))~~ December 2, 2008), at areas designated by the airport manager. It is intended that this map be the reference map regardless of any future changes, ~~((provided that))~~ but the ~~((administrator))~~ airport manager may grant exceptions to this subsection for good cause shown. A copy of the Boeing Field/King County International Airport layout plan map is on file in the Seattle city clerk's office, at the office of the airport manager of the Boeing Field/King County International Airport~~((;))~~ and at the Planning and Research Department of the Port of Seattle.

SECTION 81. K.C.C. 12.96.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 82. Ordinance 3139, Section 701, as amended, and K.C.C. 12.96.010 are each hereby amended to read as follows:

A. ~~((Any person who owns or is in possession or control of any property or use, or any process or equipment, may apply to the administrator for relief from the requirements of Chapters 12.86 through 12.100 or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of~~

~~noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the administrator may require. In accordance with the administrative code, the administrator shall promulgate rules and regulations governing the application for and granting of such variances, including hearings and notice.~~

~~B. Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable base fee as follows:~~

- ~~1. Temporary variance \$200.00;~~
- ~~2. Technical or economic variance, source in rural or residential district \$200.00;~~
- ~~3. Technical or economic variance, source in commercial or industrial district \$500.00.~~

~~C. In addition to the base fee, the review fee ((for technical or economic variance)) shall be the actual costs associated with application review over and above the base fee.~~

~~D. A variance or its renewal shall not be a right of the applicant or holder thereof, but shall be at the reasonable discretion of the ((administrator)) director.~~

~~E. 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. A technical or economic variance may be granted only after a public hearing on due notice. The administrator may grant a variance, if he finds that:~~

- ~~1. The noise occurring or proposed to occur does not endanger public health or safety; and~~
- ~~2. The applicant demonstrates the criteria required for temporary, technical or economic variance~~

~~under Section 12.96.020.~~

~~F. Variances, except temporary variances, granted pursuant to Chapters 12.86 through 12.100 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.~~

~~G. Any person aggrieved by the denial, grant, or the terms and conditions on the grant of an application for a variance by the administrator may appeal such decision under procedures incorporated by Chapter 12.99.~~

H.) Applications for variances from the noise standards set forth in this chapter related to projects or activities that require permits or approvals from the director may be filed and reviewed as part of a permit application filed with the director for that project or activity or reviewed as part of an existing permit. Noise variance requests under this subsection shall be reviewed in accordance with K.C.C. 16.82.105.B. and the review criteria applicable to the associated permit. A decision to approve or deny a noise variance under this subsection may be appealed under the permit appeal process applicable to the associated permit.

B.1. The director may grant a temporary noise variance, for a period not to exceed fourteen days, for a project or activity that does not require a permit from the director, if the director determines that the requested variance does not significantly affect a substantial number of people or endanger public health or safety.

2. A request for a noise variance under this subsection must be submitted in writing to the director at least forty-five days in advance of the activity for a simple review and at least ninety days in advance of the activity for a medium or complex review. The noise variance request must:

- a. be in writing and shall be clearly labeled noise variance request;
- b. identify the person making the request and provide an address to which correspondence regarding the requested noise variance should be mailed;
- c. identify the specific section or sections of the noise regulations for which the variance is being requested;
- d. identify the location and a detailed description of proposed project or activity and any associated permits;
- e. include written analyses and supporting documentation to assist the director in demonstrating that

the project or activity will not impact a substantial number of people or endanger public health or safety; and

f. be accompanied by the fee required by this section.

3. Within fourteen days after receiving a temporary noise variance request, the director shall acknowledge receipt of the request. If the director determines that the noise variance request does not contain sufficient information to complete a review in accordance with this section, the director shall identify in the acknowledgement the deficiencies in the request.

4. Within fourteen days of receipt of a complete application for a temporary noise variance, the director shall provide public notice as provided in K.C.C. 20.20.060.H.

5. The director shall allow twenty-one calendar days for comment before making a decision on the temporary noise variance request. A decision on a temporary noise variance request shall be issued by the director within forty-five days of receiving a complete request for a temporary noise variance that requires simple or medium review and within sixty days of receiving a complete request for a temporary noise variance that requires complex review, unless the director determines that based on the unusual nature of the request, additional time is necessary to respond to the request.

6. Temporary noise variance requests are reviewed under the same appeal procedure as a Type 1 land use decision in accordance with K.C.C. 20.20.020. Type 1 decisions are final administrative decisions.

7. A temporary noise variance request filed under this section must be accompanied by payment of a review fee as provided in section 83 of this ordinance.

8. The director shall determine whether a temporary noise variance request requires a simple, medium or complex review based upon the estimated review time.

C. Any person (~~(or source)~~) granted a variance (~~(pursuant to)~~) in accordance with the procedures of this section (~~(or an appeal)~~) shall be exempt from the maximum permissible sound levels or public disturbance provisions established by this ((€))chapter((s 12.86 through 12.100)), to the extent provided in the variance.

NEW SECTION. SECTION 83. There is hereby added to K.C.C. chapter 27.10 a new section to read

as follows:

Temporary noise variance request review filed under K.C.C. 12.96.010.B., as recodified by this ordinance, shall require the following fees:

- A. Simple review: \$200;
- B. Medium review: \$395; and
- C. Complex review: \$790.

SECTION 84. K.C.C. 12.96.020, as amended by this ordinance, is hereby repealed.

SECTION 85. Ordinance 9224, Section 2, and K.C.C. 12.96.030 are each hereby repealed.

SECTION 86. K.C.C. 12.98.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 87. Ordinance 3139, Section 801, as amended, and K.C.C. 12.98.010 are each hereby amended to read as follows:

The ~~((administrator and))~~ sheriff ~~((are authorized to))~~ may administer and enforce ~~((K.C.C.))~~ this chapter~~((s 12.86 through 12.100 of this code; provided, that the sheriff is authorized to provided, that the~~ director of the department of public safety is directed to enforce K.C.C. chapter 12.90 and 12.91 and K.C.C. 12.87.180, 12.87.290, 12.87.350, 12.92.020 and 12.94.010)) and any rules and regulations adopted or authorized by this chapter in accordance with state law. The director may enforce this chapter and any rules and regulations adopted or authorized by this chapter in accordance with K.C.C. Title 23 and state law. Upon request by the ~~((administrator or the))~~ sheriff or director, ~~((all))~~ any other county departments and divisions may assist ~~((them))~~ in enforcing ~~((K.C.C.))~~ this chapter~~((s 12.86 through 12.100)).~~

SECTION 88. Ordinance 3139, Section 802, and K.C.C. 12.98.020 are each hereby repealed.

SECTION 89. Ordinance 3139, Section 803, and K.C.C. 12.98.030 are each hereby repealed.

SECTION 90. K.C.C. 12.98.040, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 91. Ordinance 3139, Section 804, and K.C.C. 12.98.040 are each hereby amended to read as follows:

When the location, distance or technique prescribed in (~~(Chapters 12.86 through 12.100)~~) this chapter for measurement of sound is impractical or would yield misleading or inaccurate results, measurements (~~(shall~~)) may be taken at other locations or distances using appropriate correction factors(~~(, as specified in the rules promulgated by the administrator))~~).

SECTION 92. K.C.C. 12.98.050 is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 93. Ordinance 3139, Section 901, as amended, and K.C.C. 12.99.010 are each hereby repealed.

SECTION 94. K.C.C. 12.99.015, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 95. Ordinance 14114, Section 18, and K.C.C. 12.99.015 are each hereby amended to read as follows:

~~((A))~~ A. The first violation of (~~(K.C.C. chapters 12.86 through 12.100)~~) this chapter within twelve months is a (~~(class 2)~~) civil infraction or a citation under K.C.C chapter 23.20, punishable (~~(under chapter 7.80 RCW)~~) by a fine of up to one hundred twenty-five dollars.

B. The second violation of this chapter within twelve months is a civil infraction or a citation under K.C.C. chapter 23.20, punishable by a fine of up to two hundred and fifty dollars.

C. Each subsequent violation of this chapter within twelve months is a civil infraction or citation under K.C.C. chapter 23.20, punishable by a fine of up to double the amount fined for the previous infraction. A violation that occurs within twelve months of the previous violation is a subsequent violation.

D. The enforcing officer may encourage mediation in lieu of issuing an infraction or citation.

E. In the event of a third violation within twelve months, the enforcing officer or the director may refer the violation to the prosecutor to consider filing an injunction proceeding.

F. Nothing in this section is intended to limit the director's authority to pursue any remedy available under K.C.C. Title 23 or any party's right to seek relief from any alleged public nuisance under state or common law.

SECTION 96. Ordinance 13263, Section 37, as amended, and K.C.C. 23.32.010 are each hereby amended to read as follows:

A.1. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a citation, notice and order, voluntary compliance agreement or stop work order pursuant to the following schedule:

a. citations:

- | | |
|---|---|
| (1) ((W)) with no previous similar code violations | \$100 |
| (2) <u>with no previous code violations of K.C.C. chapter 12.86 within the past twelve months</u> | \$125 |
| (3) <u>with one previous code violation of K.C.C. chapter 12.86 within the past twelve months</u> | \$250 |
| (4) ((W)) with one or more previous similar code ((V)) violations, <u>or with two previous code violations of K.C.C. chapter 12.86 within the past twelve months</u> | \$500 |
| ((3)) (5) ((W)) with two or more previous violations of K.C.C. Title 10, <u>or three or more previous code violations of K.C.C. chapter 12.86 within the past twelve months</u> | Double the rate of the previous penalty |

b. violation of notice and orders and stop work orders:

- | | |
|--|-------|
| (1) ((S)) stop work order basic penalty | \$500 |
| (2) ((V)) voluntary compliance agreement and notice and | \$25 |

order basic penalty

(3) ((A))additional initial penalties may be added in the following amounts for violations where

there is:

- (a) public health risk \$15
- (b) environmental damage risk \$15
- (c) damage to property risk \$15
- (d) one previous similar code violation \$25
- (e) two previous similar code violations \$50
- (f) three or more previous similar code violations \$75
- (g) economic benefit to person responsible for violation \$25

c. cleanup restitution payment ((-)); as specified in K.C.C. 23.02.140.

d. reinspection following the issuance of a notice and order, if the violation has not been abated in

accordance with the notice and order:

- (1) first reinspection, which shall occur no sooner than the \$150
day following the date compliance is required by the
notice and order
- (2) second reinspection, which shall occur no sooner than \$300
fourteen days following the first reinspection
- (3) third reinspection, which shall occur no sooner than \$450
fourteen days following the second reinspection
- (4) reinspection after the third reinspection, which shall \$450
only be conducted immediately preceding an
administrative or court ordered abatement or at the
direction of the prosecuting attorney for the purpose of

presenting evidence in the course of litigation or
administrative hearing against the person responsible for
code compliance

2. For the purposes of this section, previous similar code violations that can serve as a basis for a higher level of civil penalties include violations of the same chapter of the King County Code. Any citation, stop work order or notice and order previously issued by the department shall not constitute a previous code violation for the purposes of this section if that stop work order or notice and order was appealed and subsequently reversed.

B. The penalties assessed pursuant to this section for any failure to comply with a notice and order or voluntary compliance agreement shall be assessed daily, according to the schedule in subsection A of this section, for the first thirty days following the date the notice and order or voluntary compliance agreement required the code violations to have been cured. If after thirty days the person responsible for code compliance has failed to satisfy the notice and order or voluntary compliance agreement, penalties shall be assessed daily at a rate of double the rate for the first thirty days. Penalties may be assessed daily until the person responsible for code compliance has fully complied with the notice and order.

C. Penalties based on violation of a stop work order shall be assessed, according to the schedule in subsection A, of this section, for each day the department determines that work or activity was done in violation of the stop work order.

D. Citations and cleanup restitution payments shall only be subject to a one-time civil penalty.

E. The director may suspend the imposition of additional civil penalties if the person responsible for code compliance has entered into a voluntary compliance agreement. If the person responsible for code compliance enters into a voluntary compliance agreement and cures the code violations, the director may also waive all or part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for

are denied, canceled or not pursued, or if corrective action identified in the voluntary compliance agreement is not completed as specified.

F. The civil penalties in this section are in addition to, and not in lieu of, any penalties, sanctions, restitution or fines provided for in any other provisions of law.

SECTION 97. K.C.C. 12.99.020, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 98. Ordinance 3139, Section 902, as amended, and K.C.C. 12.99.020 are each hereby amended to read as follows:

A. ~~((Any))~~ A person aggrieved by an order ~~((of))~~ or a citation by the ~~((administrator or sheriff,~~ including a final variance decision,)) director may appeal ~~((to the King County hearing examiner))~~ in accordance with K.C.C. chapter 23.36. A person aggrieved by a civil infraction issued by the sheriff may appeal in accordance with the Washington Court Rules.

B. For the first violation within a twelve-month period, the order, citation or infraction may be dismissed by the examiner or the district court, upon an appeal and a written request by a defendant who provides written documentation of a mediation effort. A mediation effort sufficient to support dismissal shall include any one of the following:

1. The defendant attempted in good faith to undergo mediation and the complaining party declined or otherwise failed to mediate despite reasonable efforts on the part of the defendant. For attempted mediation, the defendant must show reasonable proof of attempted contact or provide written documentation from a dispute resolution center;
2. The parties have agreed to mediate within a reasonable time; or
3. Mediation has occurred after the issuance of the order, citation or infraction.

SECTION 99. K.C.C. 12.100.010, as amended by this ordinance, is hereby recodified as a section in K.C.C. chapter 12.86.

SECTION 100. Ordinance 3139, Section 1001, and K.C.C. 12.100.010 are each hereby amended to read as follows:

The provisions of this ((€))chapter((s 12.86 through 12.100)) shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy(~~((; nor shall proof of a violation of Chapters 12.86 through 12.100 constitute prima facie proof of any private cause of action))~~). Unless otherwise specifically provided, this ((€))chapter((s 12.86 through 12.100)) shall not 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.

SECTION 101. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020 are each hereby amended to read as follows:

A. Special use permits shall be required for any use of county property except uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C. chapter 14.28 relating to county road system rights-of-way use permits.

B. Upon receipt of an application for a (~~("Special Use")~~) special use permit upon county property, the (~~(property services division)~~) real estate services section of the facilities management division shall determine whether the proposed use is upon county-owned property.

C. The (~~(property services division)~~) real estate services section shall forward the application to all county custodial departments for review.

D. The custodial departments shall review the application and forward its recommendation whether the permit shall be issued by the (~~(property services division)~~) real estate services section. If a custodial department recommends denial, the (~~(property services division)~~) real estate services section shall deny the permit.

E. If there is no custodial department with jurisdiction over the county property, the (~~(property services division)~~) real estate services section shall evaluate the feasibility of the proposed use, its impact on other uses

of the county property and its impact on public health and safety. Based on this evaluation, the ~~((property services division))~~ real estate services section shall determine whether the permit should be issued.

F. In all cases, the ~~((property services division))~~ real estate services section shall forward the application to the department of permitting and environmental review for recommendations on critical area issues and the ~~((property services division))~~ real estate services section shall be responsible for assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued.

G. If the special use permit is for an event that the manager of the real estate services section believes may generate substantial noise, then the real estate services section shall also forward the application to the sheriff for informational purposes.

SECTION 102. Ordinance 15053, Section 11, as amended, and K.C.C. 16.82.105 are each hereby amended to read as follows:

A. Hours of operation for clearing and grading activities ~~((, unless otherwise specified by the director, shall be between seven a.m. and seven p.m. Monday through Saturday and between ten a.m. and five p.m. Sunday))~~ are in section 78 of this ordinance.

B. Before approving any variation of the hours of operation for clearing and grading activities, the department~~((, in consultation with the Seattle-King County department of public health,))~~ shall:

1. Determine whether strict enforcement of this title creates an unnecessary hardship to the property owner;
2. Determine whether the variance is required because of:
 - a. unique circumstances caused by other regulatory or contractual requirements;
 - b. the type of project or special construction requirements; or
 - c. for public agency projects, the granting of the variance is in the overall best interests of the public;
3. Determine that the variance is the minimum necessary to grant relief to the applicant;

4. Determine whether the development proposal can comply with nighttime noise standards in accordance with K.C.C. ~~((chapter 12.88))~~ 12.88.020, as recodified by this ordinance, and K.C.C. 12.88.030, as recodified by this ordinance;

~~((2-))~~ 5. Determine whether the development proposal will cause significant adverse noise effects to the community; and

~~((3-))~~ 6. Require mitigation for any identified impacts ~~((before the department approves a variation in the hours of operation))~~ to avoid health and safety hazards and to ensure the variance is not materially detrimental to the public welfare.

~~((C. The department's decision to approve a variation in the hours of operation shall be in writing and shall include a specific finding of compliance with the noise standards, the facts and conclusions supporting that finding and any mitigation, conditions or limitations imposed. All decisions made under this section shall be compiled by the department and made available for public inspection.))~~

SECTION 103. Ordinance 10870, Section 445, as amended, and K.C.C. 21A.22.070 are each hereby amended to read as follows:

Operating conditions and performance standards shall be as specified in K.C.C. chapter 16.82 except:

A.1. Noise levels produced by a mineral extraction or materials processing operation shall not exceed levels specified by K.C.C. chapter ~~((s))~~ 12.86~~((, 12.87, 12.88, 12.90, 12.91, 12.92, 12.94, 12.96, 12.98, 12.99 and 12.100))~~ ;

2. Hours of operation for mineral extraction and materials processing facilities, unless otherwise specified by the director, shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and holidays;

3. Before approving any variation of the hours of operation, the department shall:

a. determine whether on-site operations can comply with nighttime noise standards in accordance with K.C.C. 12.88.020, as recodified by this ordinance, and K.C.C. 12.88.030, as recodified by this ordinance;

b. determine whether the variance would cause significant adverse noise impacts to the community in accordance with standards and methodologies developed by the Federal Transit Administration, Federal Highway Administration or World Health Organization, or any combination thereof, for evaluating noise impacts, or other comparable standards and methods; and

c. require mitigation for any identified impacts before the department approves a variation in the hours of operation; and

4. The director's decision to approve a variation in the hours of operation shall be in writing and shall include a specific finding of compliance with the noise standards, the facts and conclusions supporting that finding and any mitigation, conditions or limitations imposed. All decisions made under this subsection shall be compiled by the department and made available for public inspection;

B. Blasting shall be conducted under an approved blasting plan:

1. Consistent with the methods specified in the ~~((e))~~Office of ~~((s))~~Surface ~~((m))~~Mining Enforcement and Reclamation~~((r))~~ 1987 Blasting Guidance Manual in a manner that protects from damage all structures, excluding those owned and directly used by the operator, and persons in the vicinity of the blasting area, including, but not limited to, adherence to the following:

a. Airblast levels shall not exceed one hundred thirty-three ~~((dB))~~ decibels measured by a two Hz or lower flat response system at the nearest residential property or place of public assembly;

b. Flyrock shall not be cast one-half the distance to the nearest residential property, place of public assembly or the property boundary, whichever is less. For the purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior to any enclosed structure, at ground surface, which separates the property of one or more persons from that owned by others, and its vertical extension; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that features regular or predictable times, except in the case of an emergency. If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect;

C.1. Dust and smoke produced by mineral extraction and materials processing operations shall be controlled by best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke from process facilities shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency. Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke from process facilities shall not significantly increase the existing levels of suspended particulates at the perimeter of the site;

D. The applicant shall prevent rocks, dirt, mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation;

E. The applicant shall provide traffic control measures such as flaggers or warning signs as determined by the department during all hours of operation;

F. The operator shall control surface water and site discharges to comply with K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the stormwater pollution prevention manual. For the life of the mineral resource operation and until site reclamation is complete, the operator shall maintain a valid Washington state ((d))Department of ((e))Ecology National Pollutant Discharge Elimination System individual permit or maintain coverage under the sand and gravel general permit. The operator shall keep onsite and available for department review copies of the erosion and sediment control plan, the applicable

National Pollution Discharge Elimination System individual or general permit and the Stormwater Pollution Prevention Plan. The operator shall make the plans and permit available for public inspection upon request. The operator shall provide to the department copies of the monitoring results on permit monitoring data submittal dates. The department shall make the monitoring results available for public inspection. If the department determines that National Pollution Discharge Elimination System monitoring frequency or type is not adequate to meet the demands of the site and the requirements of this subsection, the department may require more frequent and detailed monitoring and may require a program designed to bring the site into compliance;

G. The operator shall not excavate below the contours determined through hydrologic studies necessary to protect groundwater and the upper surface of the saturated groundwater that could be used for potable water supply;

H. If contamination of surface or ground water by herbicides is possible, to the maximum extent practicable, mechanical means shall be used to control noxious weeds on the site;

I. Upon depletion of mineral resources or abandonment of the site, the operator shall remove all structures, equipment and appurtenances accessory to operations; and

J. If the operator fails to comply with this section, the department shall require modifications to operations, procedures or equipment until compliance is demonstrated to the satisfaction of the department. If the modifications are inconsistent with the approved permit conditions, the department shall revise the permit accordingly.

SECTION 104. A. By June 30, 2018, the county auditor shall submit a report to the council on the effectiveness of this ordinance, including, but not limited to:

1. The ability of the code to provide relief from unreasonable noise, protect those faced with unreasonable complaints about their level of noise and provide readily enforceable language for code enforcement officers to implement;

2. An analysis of the effects of shifting the emphasis in the noise code from being decibel-based to relying primarily on public disturbance provisions and construction hour limits; and

3. An analysis of the impact of variance requests on the workload of the department of permitting and environmental review.

B. The report shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff of the law, justice, health and human services committee, or its successor.

SECTION 105. A. By fifteen days after the date of enactment of this ordinance, the executive shall submit this ordinance to the state Department of Ecology for its approval of the standards in this ordinance, as provided in RCW 70.107.060, and shall file with the clerk of the council a paper copy and an electronic copy of proof of the submittal.

B. If the Department of Ecology approves the standards of this ordinance, the executive shall, within ten days of the approval, file with the clerk of the council, in the form of a paper copy and an electronic copy, the Department of Ecology's approval. The clerk of the council shall forward electronic copies of the approval to all councilmembers and the lead staff of the law, justice, health and human services committee, or its successor.

C. 1. If the Department of Ecology disapproves the standards of this ordinance, the executive shall, within ten days of the disapproval, file a notice with the clerk of the council, in the form of a paper copy and an electronic copy, including the Department of Ecology's disapproval and indicating whether there will be an appeal of the disapproval pursued by the county under RCW 70.107.060. The clerk of the council shall forward electronic copies of the disapproval to all councilmembers and the lead staff of the law, justice, health and human services committee, or its successor.

2. If an appeal is pursued by the county under RCW 7.107.060, the executive shall, within ten days of the decision of the state Pollution Control Hearings Board, file with the clerk of the council, in the form of a

paper copy and an electronic copy, the Pollution Control Hearings Board's decision. The clerk of the council shall forward electronic copies of the decision to all councilmembers and the lead staff of the law, justice, health and human services committee, or its successor.

D. If the Department of Ecology fails to approve or disapprove the standards in this ordinance within ninety days of the submittal under subsection A. of this section, in accordance with RCW 70.107.060, the standards shall be deemed approved. The executive shall file within ten days of the ninety-day period notice of the Department of Ecology's inaction with the clerk of the council in the form of a paper copy and an electronic copy. The clerk of the council shall forward electronic copies of the notice to all councilmembers and the lead staff of the law, justice, health and human services committee, or its successor.

SECTION 106. A. Sections 1 through 104 of this ordinance take effect ten days after one of the following:

1. The executive files under section 105.B.1. of this ordinance the state Department of Ecology's approval;
2. The executive files under section 105.B.2. of this ordinance the state Pollution Control Hearings Board's approval of an appeal; or
3. The executive files a notice under section 105.C. of this ordinance.

B. Sections 1 through 104 of this ordinance do not take effect if the Department of Ecology disapproves of the standards in this ordinance in accordance with RCW 70.107.060 and either:

1. Notice is made under section 105.B.1. of the disapproval and that an appeal will not be pursued; or
2. A filing is made under section 105.B.2. of this ordinance of the Pollution Control Hearings Board's denial of the appeal.