

10/8/79

Introduced by: Patricia Thorpe
Tracy J. Owen

79-1317

MOTION NO. 4541

1
2 A MOTION requesting the Washington State
3 Department of Ecology to approve an
4 amendment to Ordinance 3139 in order to
5 regulate noise created by watercraft.

6 WHEREAS, it is the policy of King County to minimize the
7 exposure of citizens to the physiological and psychological
8 hazards of excessive noise and to protect, promote, and preserve
9 the public health, safety, and welfare; and

10 WHEREAS, on April 4, 1977, the County Council adopted
11 Ordinance 3139, the noise control ordinance, with the intent to
12 control the level of noise in a manner which promotes commerce,
13 the use, value, and enjoyment of property, sleep and repose, and
14 the quality of the environment; and

15 WHEREAS, noise from watercraft on bodies of water within the
16 City of Seattle and King County has disturbed and affected the
17 quality of life of many citizens residing on or near the
18 shorelines of Seattle and King County; and

19 WHEREAS, it is the intent of the attached proposed ordinance
20 to minimize noise from watercraft, especially noise caused by
21 watercraft with improperly installed inadequate, or poorly
22 maintained mufflers; and

23 WHEREAS, King County must have the approval of the
24 Washington State Department of Ecology before the proposed
25 ordinance can be enacted;

26 NOW THEREFORE, BE IT MOVED by the Council of King County:

27 1. The following special conditions require King County and
28 the City of Seattle to adopt a broader watercraft definition
29 which includes aircraft and lower maximum noise standards than
30 those cited in Chapter 173-70 of the Washington Administrative
31 Code.

32 a. There are several commercial float plane operations as
33 well as many private float plane operators using the bodies of
water within the City of Seattle and King County. Because of

1 this situation, there are many float planes taxiing on these
2 bodies of water;

3 b. The Seattle-King County area is considered to be "the
4 boating capital of the world"; and, as a result, watercraft
5 represent a major source of noise;

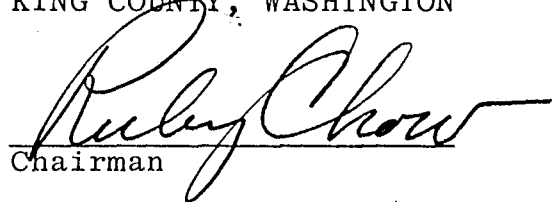
6 c. The areas surrounding major City and County waters are
7 heavily populated, and residents have frequently complained about
8 watercraft noises disturbing their activities, especially in the
9 late evening. Further, because many of the lakes are in a basin,
10 residents who live on the hillsides, as well as those living on
11 the shoreline, are affected by watercraft noise;

12 d. Nighttime watercraft noise especially has a significant
13 impact because the shorelines and hillsides around the lakes are
14 heavily populated. A lower nighttime standard provides more
15 equity for those residents living around the lakes since the
16 state standard allows a higher permissible sound level for a
17 major noise source, watercraft, than that allowed in other City
18 and County areas, including commercial and industrial zones.

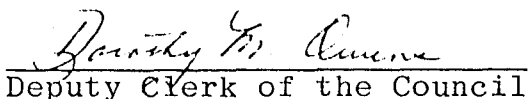
19 2. Therefore, King County respectfully requests the
20 Washington State Department of Ecology to review and approve the
21 provisions of the attached proposed ordinance, which regulates
22 noise caused by watercraft.

23 PASSED this 15th day of October, 1979.

24
25 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

26
27 
Chairman

28 ATTEST:

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31 Deputy Clerk of the Council

ORDINANCE NO. _____

AN ORDINANCE relating to noise control and watercraft; amending Ordinance 3139, Sections 216, 233, 601, and 801, and KCC 12.87.180, 12.87.265, 12.94.100, and 12.98.100; adding new sections to Title 12; amending Ordinance 3304, Section 1, and KCC 12.44.240; amending Ordinance 2802, Section 1, and KCC 12.44.250, as amended by Ordinance 4280; and repealing Resolution 28232, Section 21, and KCC 12.44.260.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3139, Section 216, and KCC 12.87.180 are hereby amended as follows:

Muffler. "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 which is effective in reducing sound resulting therefrom.

SECTION 2. Ordinance 3139, Section 233, and KCC 12.87.265 are hereby amended as follows:

Watercraft. "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.

NEW SECTION. SECTION 3. There is added to KCC 12.87 a new section as follows:

Shoreline. "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

SECTION 4. Ordinance 3139, Section 601, and KCC 12.94.100 are hereby amended as follows:

SOUNDS EXEMPT AT ALL TIMES.

(a) The following sounds are exempt from the provisions of this ordinance at all times:

(1) Sounds originating from aircraft in flight and

1 sounds which originate at airports and are directly related to
2 flight operations;

3 (2) Sounds created by safety and protective devices,
4 such as relief valves, where noise suppression would defeat the
5 safety release intent of the device;

6 (3) Sounds created by fire alarms;

7 (4) Sounds created by emergency equipment and
8 emergency work necessary in the interests of law enforcement or
9 of the health, safety or welfare of the community;

10 (5) Sounds created by the discharge of firearms in the
11 course of lawful hunting activities;

12 (6) Sounds caused by natural phenomena and unamplified
13 human voices;

14 (7) Sounds originating from forest harvesting and
15 silviculture activity and from commercial agriculture if the
16 receiving property is located in a rural, commercial or
17 industrial district of King County;

18 (8) Sounds created by auxiliary equipment on motor
19 vehicles used for highway maintenance;

20 (9) Sounds created by off-highway vehicles while being
21 used in officially designated all-terrain vehicle parks, except
22 when such sound is received off the park site in a rural or
23 residential district of King County and such sound measurably
24 increases the ambient level.

25 (10) Sounds created by warning devices not operated
26 continuously for more than 30 minutes per incident.

27 (b) The County Council intends to amend this ordinance
28 by enacting specific regulations for the following sounds, each
29 of which shall be exempt from the provisions of this ordinance at
30 all times until a specific amendment applying to that sound has
31 been adopted:

32 (1) Sounds created by the operation of equipment or
33 facilities of surface carriers engaged in commerce by railroad;

1 (2) Sounds created by float planes;

2 (3) Sounds created by construction equipment,
3 including special construction vehicles, and emanating from
4 temporary construction sites, if the receiving property is
5 located in a commercial or industrial district of King County;
6 and

7 (~~(4) Sounds created by watercraft;~~)

8 (~~(5)~~) (4) Sounds created by existing natural gas
9 transmission facilities, provided that such exemption shall
10 extend only to May 25, 1977.

11 NEW SECTION. SECTION 5. There is added to Title 12 of the
12 King County Code, Noise, a new section to read as follows:

13 Sounds created by operation of watercraft. It is unlawful
14 for any person to operate any watercraft on the waters of King
15 County in such a manner as to exceed the following maximum noise
16 limits when measured at the shoreline or anywhere within a
17 receiving property;

18 (a) At any hour of the day or night, the limit for any
19 receiving property shall be 70 dB(A), except that

20 (b) Between the hours of 10:00 P.M. and 7:00 A.M. during
21 weekdays and between the hours of 10:00 P.M. and 9:00 A.M. on
22 weekends, the limit for sounds received within a rural or
23 residential district shall be 55 dB(A).

24 NEW SECTION. SECTION 6. There is added to Title 12 of the
25 King County Code, Noise, a new section to read as follows:

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

32 (a) The absence of a muffler;

33 (b) The presence of a muffler cut-out, bypass, or similar

1 device which is not standard or normal equipment for the exhaust
2 system being inspected;

3 (c) Defects in the exhaust system including, but not
4 limited to, pinched outlets, holes, or rusted-through areas of
5 the muffler or pipes;

6 (d) The presence of equipment which will produce excessive
7 or unusual noise from the exhaust system.

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

11 NEW SECTION. SECTION 7. There is added to Title 12 of the
12 King County Code, Noise, a new section to read as follows:

13 Watercraft exemptions. The following exemptions shall apply
14 to the operation of watercraft in the waters of King County:

15 (a) Subject to the provisions of subsection (c)(5) of this
16 section, sounds created by watercraft are exempt from the maximum
17 permissible sound levels of KCC 12.88;

18 (b) Normal docking and undocking operations of all
19 watercraft shall be exempt from the provisions of Section 5 of
20 this ordinance;

21 (c) Watercraft picking up or dropping off waterskiers shall
22 be exempt from the provisions of Section 5 of this Ordinance
23 while operating within the temporary speed limit exemption
24 authorized in KCC 12.44.230(2).

25 (d) The following sounds shall be exempt from the
26 provisions of Section 5 and 6 of this ordinance;

27 (1) Sounds created by the operation of commercial,
28 nonrecreational watercraft;

29 (2) Sounds created by safety and protective devices where
30 noise suppression would defeat the intent of the device;

31 (3) Sounds created by a warning device not operating
32 continuously for more than thirty minutes;

33 (4) Sounds created by emergency equipment for emergency

1 work necessary in the interests of law enforcement or for the
2 health, safety, and welfare of the community;

3 (5) Sounds created by auxiliary equipment operated on
4 watercraft for the purposes of dredging, pile driving, operation
5 of a marina, and clam and oyster harvesting, EXCEPT THAT such
6 sounds are NOT exempt from the maximum permissible sound levels
7 of KCC 12.88.

8 (6) Sounds created by motorboats competing in a regatta or
9 boat race held under a permit issued by the Department of Public
10 Safety and sounds created while on trial runs or while on
11 official trials for speed records during the time and in the
12 designated area authorized by such permit.

13 SECTION 8. Ordinance 393, Section 801, and KCC 12.98.100
14 are hereby amended as follows:

15 Authority of Administrator. The administrator is
16 authorized and directed to administer and enforce the provisions
17 of Chapters 12.86 through 12.100; provided, that the director of
18 the Department of Publc Safety is directed to enforce Chapter
19 12.90, ((and)) Section 12.92.105, and Sections 1 through 7 of
20 this ordinance. Upon request by the administrator or the
21 director of the Department of Public Safety, all other county
22 departments and divisions are authorized to assist them in
23 enforcing Chapters 12.86 through 12.100.

24 SECTION 9. Ordinance 3304, Section 1, and KCC 12.44.240 are
25 hereby amended as follows:
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1 Lake Sawyer restrictions. (a) The following rules and
2 regulations shall be adopted for use of motor-operated watercraft
3 on Lake Sawyer:

4 ~~((1))--It is unlawful to use or operate any watercraft
5 powered by an internal combustion engine on Lake Sawyer, except
6 that the following engines will be permitted:~~

7 ~~(A)--Water-cooled outboard engines of stock manufacture
8 or stock-manufactured inboard engines with outboard drive units
9 which vent all exhaust gases through the lower drive unit in
10 conjunction with cooling water and/or vent at a point on the
11 drive unit which is under water at all times.--PROVIDED THAT, the
12 Department of Public Safety, having promulgated standards and
13 procedures in accordance with KCC-2.98 prior to enforcement, is
14 authorized to issue and/or revoke conditional use permits to the
15 owners for those watercraft that comply with specified standards
16 of operation but whose engine drive unit and/or exhaust does not
17 strictly adhere to requirements of mechanical operations.~~

18 ~~(B)--Air-cooled outboard or inboard engines of stock
19 manufacture rated by the manufacturer at ten horsepower or less
20 and equipped with mufflers to suppress exhaust noises.~~

21 ~~The operation of watercraft powered by engines which
22 are worn, damaged or modified in such a manner as to permit the
23 noise level of exhaust gases or air intake devices to be
24 increased above that designed by the manufacturer is prohibited.)~~

25 ~~((2))~~ (1) Except as otherwise specifically provided
26 for in this chapter, it is unlawful for any person to operate a
27 motor powered watercraft on Lake Sawyer in excess of eight miles
28 per hour.

29 ~~((3))~~ (2) Watercraft will be permitted to operate at
30 speeds not to exceed thirty miles per hour during the hours of
31 two P.M. to seven P.M. on Mondays through Fridays and from eleven
32 A.M. to three P.M. on Saturdays, Sundays and holidays; provided,
33 watercraft operating in excess of eight miles per hour with or

1 without skier in tow shall remain at least two hundred feet from
2 any and all shorelines and one hundred feet from other watercraft
3 and persons; provided further, watercraft operating in excess of
4 eight miles per hour shall proceed around the lake in a
5 counterclockwise direction.

6 (b) Water skiing on Lake Sawyer shall be regulated as
7 follows:

8 (1) No watercraft which has in tow a person on water
9 skis, aquaplane, surfboard or similar contrivance shall be
10 operated or propelled unless such watercraft is occupied by at
11 least two competent persons.

12 (2) All water skiers shall take off and return to
13 designated floats placed on the lake. Buoys shall be placed two
14 hundred feet from shore around the lake. Floats and buoys are to
15 be provided and maintained by water skiers, under the supervision
16 of the Lake Sawyer community club.

17 (3) No operator of a watercraft shall have in tow a
18 person on water skis, aquaplane, surfboard or similar contrivance
19 after sunset.

20 (4) All persons being towed by watercraft shall wear
21 an adequate flotation life belt or vest.

22 (c) Any person who negligently operates any watercraft
23 in a manner so as to enaanger or be likely to endanger any
24 person, or property, or at a rate of speed greater than will
25 permit him in the exercise of reasonable care to bring the
26 watercraft to a stop within assured clear distance ahead, is
27 guilty of negligent operation and a violation of this chapter.

28 (d) Any person who operates any watercraft in a
29 reckless manner so as to endanger the life or limb or damage the
30 property of any person is guilty of the crime of reckless
31 operation and a violation of this chapter.

32 (e) It is unlawful for any person who is under the
33 influence of intoxicating liquor or narcotic or habit-forming

1 drugs to operate or be in physical control of any watercraft;
2 further, it is unlawful for the owner of any watercraft or any
3 person having such in charge or in control to authorize or
4 knowingly permit the same to be operated by any person who is
5 under the influence of intoxicating liquor, narcotic or
6 habit-forming drugs.

7 (f) Unless specifically provided for in this chapter,
8 all provisions of the King County boating code as now exists or
9 hereafter is amended will apply to all watercraft operating on
10 Lake Sawyer.

11 (g) Any violation of this chapter constitutes a
12 misdemeanor, and such violation shall be punished as provided by
13 the statutes of the state of Washington for the commission of a
14 misdemeanor.

15 (h) The director of the King County Department of
16 Public Safety shall cause to be posted at all public and
17 commercial access areas to Lake Sawyer a complete copy or
18 reproduction of this section.

19 SECTION 10. Ordinance 2802, Section 1, and KCC 12.44.250,
20 as amended by Ordinance 4280, are hereby amended as follows:

21 Lake Meridian restrictions. The following rules and
22 regulations are adopted for the use of motor-operated watercraft
23 on Lake Meridian:

24 ~~((1)--It-is-unlawful-to-use-or-operate-any-watercraft~~
25 ~~powered-by-an-internal-combustion-engine-on-Lake-Meridian,-except~~
26 ~~that-the-following-engines-will-be-permitted:~~

27 ~~(A)--Water-cooled-outboard-engines-of-steel-manufacture~~
28 ~~or-steel-manufactured-inboard-engines-with-outboard-drive-units~~
29 ~~which-vent-all-exhaust-gases-through-the-lower-drive-unit-in~~
30 ~~conjunction-with-cooling-water-and/or-vent-at-a-joint-on-the~~
31 ~~drive-unit-which-is-under-water-at-all-times;~~

32 ~~(B)--Air-cooled-outboard-or-inboard-engines-of-steel~~
33 ~~manufacture-rated-by-the-manufacturer-at-ten-horsepower-or-less.~~

1 ~~The-operation-of-watercraft-powered-by-engines-which~~
2 ~~are-worn,-damaged-or-modified-in-such-a-manner-as-to-permit-the~~
3 ~~noise-level-of-exhaust-gases-or-air-intake-devices-to-be~~
4 ~~increased-above-74-decibels-on-the-dB(A)-scale-is-prohibited.))~~

5 ~~((2))~~ (1) Water skiing will be limited to the hours
6 of nine A.M. to six P.M.

7 ~~((3))~~ (2) No watercraft shall operate in excess of
8 eight miles per hour after six P.M. until the hour of nine A.M.
9 and not in excess of thirty-five miles per hour from nine A.M. to
10 six P.M.

11 ~~((4))~~ (3) Watercraft exceeding speeds of eight miles
12 per hour shall remain at least two hundred feet from the
13 shoreline and one hundred feet from other watercraft and swimmers
14 and shall proceed around the lake in a counterclockwise
15 direction.

16 ~~((5))~~ (4) Craft towing water skiers shall carry a
17 competent observer in addition to the driver or operator.

18 ~~((6))~~ (5) All water skiers will wear a United States
19 Coast Guard approved personal flotation device.

20 ~~((7))~~ (6) All boats operating on Lake Meridian shall
21 carry a United States Coast Guard approved life preserver or
22 throwable cushion in good condition for each person in the craft.

23 ~~((8))~~ (7) All persons in watercraft towing skiers
24 will remain seated at all times.

25 ~~((9))~~ (8) Motor-operated watercraft operating after
26 sundown shall be equipped and have lit proper running lights.

27 ~~((10))~~ (9) All watercraft shall be operated in a
28 proper manner and there shall be no stunting, burning doughnuts
29 or squirreling allowed in order that the lives and property of
30 others be protected.

31 ~~((11))~~ (10) The anchorage or moorage of unoccupied
32 wacercraft is prohibited except when tied to a pier with the
33 permission of the pier owner.

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Any violation of this section constitutes a misdemeanor, and such violation shall be punished as provided by the statutes of the state of Washington for the commission of a misdemeanor.

SECTION 11. Resolution 28232, Section 21, and KCC 12.44.260 are each repealed.

INTRODUCED AND READ for the first time this _____ day of _____, 19__.

PASSED this _____ day of _____, 19__.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chairman

ATTEST:

Deputy Clerk of the Council

APPROVED this _____ day of _____, 19__.

King County Executive