

ORDINANCE NO. 5096

AN ORDINANCE relating to noise control and watercraft; amending Ordinance 3139, Sections 216, 233, 601, and 801, and K.C.C. 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 K.C.C. 12.44.240; amending Ordinance 2802, Section 1, and K.C.C. 12.44.250, as amended by Ordinance 4280; repealing Resolution 28232, Section 21, and K.C.C. 12.44.260; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3139, Section 216, and K.C.C. 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 K.C.C. 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 K.C.C. 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 K.C.C. 12.94.100 are hereby amended as follows:

SOUNDS EXEMPT AT ALL TIMES.

(a) The following sounds are exempt from the

1 provisions of this ordinance at all times:

2 (1) Sounds originating from aircraft in flight and
3 sounds which originate at airports and are directly related to
4 flight operations;

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

8 (3) Sounds created by fire alarms;

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

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

14 (6) Sounds caused by natural phenomena and unamplified
15 human voices;

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

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

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

27 (10) Sounds created by warning devices not operated
28 continuously for more than thirty minutes per incident.

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

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

5 (2) Sounds created by float planes(~~(+)~~), except as
6 provided in Section 2 of this Ordinance;

7 (3) Sounds created by construction equipment,
8 including special construction vehicles, and emanating from
9 temporary construction sites, if the receiving property is
10 located in a commercial or industrial district of King County;
11 and

12 (~~(4) Sounds-created-by-watercraft;~~)

13 (~~(5)~~) (4) Sounds created by existing natural gas
14 transmission facilities, provided that such exemption shall
15 extend only to May 25, 1977.

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

18 Sounds created by operation of watercraft. It is unlawful
19 for any person to operate any watercraft on the waters of King
20 County in such a manner as to exceed the following maximum noise
21 limits when measured within 50 feet of the shoreline or anywhere
22 within a receiving property;

23 A. At any hour of the day or night, the limit for any
24 receiving property shall be 74 dB(A), except that

25 B. Between sunset and sunrise, the limit for sounds received
26 within a rural or residential district shall be 64 dB(A). For
27 the purpose of administering and enforcing this section, sunset
28 will be interpreted as 10:00 P.M. and sunrise will be inter-
29 preted as 7:00 A.M.

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

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

7 A. The absence of a muffler:

8 B. The presence of a muffler cut-out, bypass, or similar
9 device which is not standard or normal equipment for the exhaust
10 system being inspected;

11 C. Defects in the exhaust system including, but not limited
12 to, pinched outlets, holes, or rusted-through areas of the
13 muffler or pipes;

14 D. The presence of equipment which will produce excessive
15 or unusual noise from the exhaust system.

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

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

21 Watercraft exemptions: The following exemptions shall apply
22 to the operation of watercraft in the waters of King County:

23 A. Subject to the provisions of subsection (c)(5) of this
24 section, sounds created by watercraft are exempt from the maximum
25 permissible sound levels of K.C.C. 12.88;

26 B. Normal docking and undocking operations of all water-
27 craft shall be exempt from the provisions of Section 5 of this
28 ordinance;

29 C. Watercraft picking up or dropping off waterskiers shall
30 be exempt from the provisions of Section 5 of this ordinance
31 while operating within the temporary speed limit exemption
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1 authorized in K.C.C. 12.44.230(2).

2 D. The following sounds shall be exempt from the
3 provisions of Sections 5 and 6 of this ordinance;

4 1. Sounds created by the operation of commercial,
5 nonrecreational watercraft;

6 2. Sounds created by safety and protective devices where
7 noise suppression would defeat the intent of the device;

8 3. Sounds created by a warning device not operating
9 continuously for more than thirty minutes;

10 4. Sounds created by emergency equipment for emergency
11 work necessary in the interests of law enforcement or for the
12 health, safety, and welfare of the community;

13 5. Sounds created by auxiliary equipment operated on
14 watercraft for the purposes of dredging, pile driving, operation
15 of a marina, and clam and oyster harvesting, EXCEPT THAT such
16 sounds are NOT exempt from the maximum permissible sound levels
17 of K.C.C. 12.88.

18 6. Sounds created by motorboats competing in a regatta or
19 boat race held under a permit issued by the Department of Public
20 Safety and sounds created while on trial runs or while on
21 official trials for speed records during the time and in the
22 designated area authorized by such permit.

23 SECTION 8. Ordinance 393, Section 801, and K.C.C. 12.98.100
24 are hereby amended as follows:

25 Authority of Administrator. The administrator is
26 authorized and directed to administer and enforce the provisions
27 of Chapters 12.86 through 12.100; provided, that the Director of
28 the Department of Public Safety is directed to enforce Chapter
29 12.90 ((and)), Section 12.92.105(←→), and Section 1 through 7
30 of this ordinance. Upon request by the administrator or the
31 Director of the Department of Public Safety, all other county
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1 departments and divisions are authorized to assist them in
2 enforcing Chapters 12.86 through 12.100.

3 SECTION 9. Resolution 28232, Section 21, and KCC 12.44.260
4 are each repealed.

5 SECTION 10. The County Council finds as a fact and declares
6 that an emergency exists and that this ordinance is necessary for
7 the immediate preservation of public peace, health or safety or for
8 the support of county government and its existing public institu-
9 tions.

10 INTRODUCED AND READ for the first time this 11th day of
11 August, 1980.

12 PASSED this 15th day of September, 1980.

13 KING COUNTY COUNCIL
14 KING COUNTY, WASHINGTON

15 *Bill Reams*
16 Chairman

17 ATTEST:

18
19 *Lanette M. Quinn*
20 DEPUTY Clerk of the Council

21 APPROVED this _____ day of _____, 19 _____

22 DEEMED TO BE
23 COUNTY EXECUTIVE'S SIGNATURE
24 DATED: 9/25/80

25 King County Executive