



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 17, 2015**

**Ordinance 18000**

**Proposed No. 2014-0480.2**

**Sponsors Lambert**

1 AN ORDINANCE related to noise provisions; amending  
2 Ordinance 1396, Article III Section 7, as amended, and  
3 K.C.C. 11.04.230, Ordinance 3139, Section 101, and  
4 K.C.C. 12.86.010, Ordinance 3139, Section 102, and  
5 K.C.C. 12.86.020, Ordinance 3139, Section 2 (part), as  
6 amended, and K.C.C. 12.87.010, Ordinance 3139, Section  
7 302, and K.C.C. 12.88.020, Ordinance 3139, Section 3030,  
8 as amended, and K.C.C. 12.88.030, Ordinance 3139,  
9 Section 401, and K.C.C. 12.90.010, Ordinance 3139,  
10 Section 403, and K.C.C. 12.90.030, Ordinance 3139,  
11 Section 404, and K.C.C. 12.90.040, Ordinance 3139,  
12 Section 405, and K.C.C. 12.90.050, Ordinance 3139,  
13 Section 406, and K.C.C. 12.90.060, Ordinance 5096,  
14 Section 5, and K.C.C. 12.91.010, Ordinance 5096, Section  
15 6, and K.C.C. 12.91.020, Ordinance 3139, Section 501, as  
16 amended, and K.C.C. 12.92.010, Ordinance 3139, Section  
17 502, as amended, and K.C.C. 12.92.020, Ordinance 3139,  
18 Section 601, as amended, and K.C.C. 12.94.010, Ordinance  
19 3139, Section 602, as amended, and K.C.C. 12.94.020,

20 Ordinance 4449, Section 2, and K.C.C. 12.94.040,  
21 Ordinance 3139, Section 701, as amended, and K.C.C.  
22 12.96.010, Ordinance 3139, Section 801, as amended, and  
23 K.C.C. 12.98.010, Ordinance 3139, Section 804, and  
24 K.C.C. 12.98.040, Ordinance 14114, Section 18, and  
25 K.C.C. 12.99.015, Ordinance 13263, Section 37, as  
26 amended, and K.C.C. 23.32.010, Ordinance 3139, Section  
27 902, as amended, and K.C.C. 12.99.020, Ordinance 3139,  
28 Section 1001, and K.C.C. 12.100.010, Ordinance 6254,  
29 Section 2, as amended, and K.C.C. 14.30.020, Ordinance  
30 15053, Section 11, as amended, and K.C.C. 16.82.105 and  
31 Ordinance 10870, Section 445, as amended, and K.C.C.  
32 21A.22.070, adding new sections to K.C.C. chapter 12.86,  
33 adding a new section to K.C.C. chapter 27.10, recodifying  
34 K.C.C. 12.87.010, K.C.C. 12.88.010, K.C.C. 12.88.020,  
35 K.C.C. 12.88.030, K.C.C. 12.90.010, K.C.C. 12.90.020,  
36 K.C.C. 12.90.030, K.C.C. 12.90.040, K.C.C. 12.90.050,  
37 K.C.C. 12.90.060, K.C.C. 12.91.010, K.C.C. 12.91.020,  
38 K.C.C. 12.92.010, K.C.C. 12.92.020, K.C.C. 12.94.010,  
39 K.C.C. 12.94.020, K.C.C. 12.94.040, K.C.C. 12.96.010,  
40 K.C.C. 12.96.020, K.C.C. 12.98.010, K.C.C. 12.98.040,  
41 K.C.C. 12.98.050, K.C.C. 12.99.015, K.C.C. 12.99.020 and  
42 K.C.C. 12.100.010, repealing Ordinance 1239, Sections 2

43 through 9, as amended, and K.C.C. 12.44.260, Resolution  
44 16588, as amended, and K.C.C. 12.44.270, Ordinance  
45 3139, Section 201, and K.C.C. 12.87.020, Ordinance 3139,  
46 Section 202, and K.C.C. 12.87.030, Ordinance 3139,  
47 Section 203, and K.C.C. 12.87.040, Ordinance 3139,  
48 Section 204, and K.C.C. 12.87.050, Ordinance 3139,  
49 Section 205, and K.C.C. 12.87.060, Ordinance 3139,  
50 Section 206, as amended, and K.C.C. 12.87.070, Ordinance  
51 3139, Section 207, and K.C.C. 12.87.080, Ordinance 3139,  
52 Section 208, and K.C.C. 12.87.090, Ordinance 3139,  
53 Section 209, and K.C.C. 12.87.100, Ordinance 3139,  
54 Section 210, and K.C.C. 12.87.110, Ordinance 3139,  
55 Section 211, and K.C.C. 12.87.120, Ordinance 3139,  
56 Section 212, and K.C.C. 12.87.130, Ordinance 14114,  
57 Section 2, and K.C.C. 12.87.133, Ordinance 14114, Section  
58 3, and K.C.C. 12.87.137, Ordinance 3139, Section 213, and  
59 K.C.C. 12.87.140, Ordinance 3139, Section 214, and  
60 K.C.C. 12.87.150, Ordinance 3139, Section 215, and  
61 K.C.C. 12.87.160, Ordinance 3139, Section 216, as  
62 amended, and K.C.C. 12.87.170, Ordinance 3139, Section  
63 217, an K.C.C. 12.87.180, Ordinance 3139, Section 218,  
64 and K.C.C. 12.87.190, Ordinance 3139, Section 219, and  
65 K.C.C. 12.87.200, Ordinance 3139, Section 220, and

66 K.C.C. 12.87.210, Ordinance 3139, Section 221, and  
67 K.C.C. 12.87.220, Ordinance 3139, Section 222, and  
68 K.C.C. 12.87.230, Ordinance 3139, Section 223, and  
69 K.C.C. 12.87.240, Ordinance 3139, Section 224, and  
70 K.C.C. 12.87.250, Ordinance 3139, Section 225, and  
71 K.C.C. 12.87.260, Ordinance 3139, Section 226, and  
72 K.C.C. 12.87.270, Ordinance 3139, Section 227, and  
73 K.C.C. 12.87.280, Ordinance 14114, Section 4, and K.C.C.  
74 12.87.285, Ordinance 5096, Section 3, and K.C.C.  
75 12.87.290, Ordinance 3139, Section 228, as amended, and  
76 K.C.C. 12.87.300, Ordinance 3139, Section 229, as  
77 amended, and K.C.C. 12.87.310, Ordinance 3139, Section  
78 230, and K.C.C. 12.87.320, Ordinance 3139, Section 231,  
79 and K.C.C. 12.87.330, Ordinance 3139, Section 2322, and  
80 K.C.C. 12.87.340, Ordinance 3139, Section 233, as  
81 amended, and K.C.C. 12.87.350, Ordinance 3139, Section  
82 234, and K.C.C. 12.87.360, Ordinance 3139, Section 235,  
83 and K.C.C. 12.87.370, Ordinance 14114, Section 8, and  
84 K.C.C. 12.88.040, Ordinance 5096, Section 7, and K.C.C.  
85 12.91.030, Ordinance 3139, Section 503, and K.C.C.  
86 12.92.030, Ordinance 3139, Section 702, as amended, and  
87 K.C.C. 12.96.020, Ordinance 9224, Section 2, and K.C.C.  
88 12.96.030, Ordinance 3139, Section 802, and K.C.C.



89 12.98.020, Ordinance 3139, Section 803, and K.C.C.  
90 12.98.030 and Ordinance 3139, Section 901, as amended,  
91 and K.C.C. 12.99.010 and prescribing penalties.

92 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

93 SECTION 1. Ordinance 1396, Article III Section 7, as amended, and K.C.C.  
94 11.04.230 are each hereby amended to read as follows:

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

97 A. Any public nuisance relating to animal care and control known at common  
98 law or in equity jurisprudence;

99 B. A dog running at large within the county;

100 C. Any domesticated animal, whether licensed or not, that runs at large in any  
101 park or enters any public beach, pond, fountain or stream or upon any public playground  
102 or school ground. However, this subsection shall not prohibit a person from walking or  
103 exercising an animal in a public park or on any public beach when the animal is on a  
104 leash, tether or chain not to exceed eight feet in length. Also, this subsection shall not  
105 apply to any person using a trained service animal, to animal shows, exhibitions or  
106 organized dog-training classes if at least twenty-four hours' advance notice has been  
107 given to the animal care and control authority by those persons requesting to hold the  
108 animal shows, exhibitions or organized dog-training classes;

109 D. Any domesticated animal that enters any place where food is stored, prepared,  
110 served or sold to the public, or any other public building or hall. However, this  
111 subsection shall not apply to any person using a trained service animal, to veterinary

112 offices or hospitals or to animal shows, exhibitions or organized dog-training classes if at  
113 least twenty-four hours' advance notice has been given to the animal care and control  
114 authority by the persons requesting to hold the animal shows, exhibitions or organized  
115 dog-training classes;

116 E. Any female domesticated animal, whether licensed or not, while in heat and  
117 accessible to other animals for purposes other than controlled and planned breeding;

118 F. Any domesticated animal that chases, runs after or jumps at vehicles using the  
119 public streets and alleys;

120 G. Any domesticated animal that habitually snaps, growls, snarls, jumps upon or  
121 otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other  
122 public ways;

123 H. Any animal that has exhibited vicious propensities and constitutes a danger to  
124 the safety of persons or property off the animal's premises or lawfully on the animal's  
125 premises. However, in addition to other remedies and penalties, the provisions of this  
126 chapter relating to vicious animals shall apply;

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

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

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

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

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

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

143 O. Animals running in packs.

144 SECTION 2. Ordinance 1239, Sections 2 through 9, as amended, and K.C.C.  
145 12.44.260 are each hereby repealed.

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

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

150 It is the policy of King County to minimize the exposure of citizens to the  
151 physiological and psychological dangers of excessive noise and to protect, promote and  
152 preserve the public health, safety and welfare. It is the express intent of the county  
153 council to control the level of noise in a manner ~~((which))~~ that promotes: commerce; the  
154 use, value and enjoyment of property; sleep and repose; and the quality of the  
155 environment. The sheriff serves an important function in maintaining public health,  
156 safety and welfare by responding to resident complaints, typically in the context of  
157 neighborhood noise disturbances. The director also plays an important role in noise

158 control through oversight of permitted activities that generate noise, such as construction  
159 work. The sheriff and the director each have authority to enforce this chapter pursuant to  
160 its provisions.

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

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

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

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

180           SECTION 7. Ordinance 3139, Section 2 (part), as amended, and K.C.C.

181 12.87.010 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

217           I. "Motorcycle" means any motor vehicle having a saddle for the use of the rider  
218 and designed to travel on not more than three wheels in contact with the ground.  
219 However, farm tractors and vehicles powered by engines of less than five horsepower are  
220 not included as "motorcycles."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

352            A. For purposes of this subsection, sound levels shall be measured by a Type 1 or  
353 Type 2 sound level meter. Sound level measurements shall be based on the Leq during  
354 the measurement interval, using a minimum measurement interval of one minute for a  
355 constant sound source or a thirty-minute measurement for a noncontinuous sound source.

356 For sound sources located within unincorporated King County ((~~or the city of Seattle~~)),  
357 the maximum permissible sound levels are as follows:

358 ((~~District of~~ \_\_\_\_\_ ~~District of Receiving Property~~))

359 ~~Sound Source~~ ~~Within King County~~

360 Receiving Property District

361 Rural Residential Commercial Industrial

362 Sound Source District

363 Rural 49 dB(A) 52 dB(A) 55 dB(A) 57 dB(A)

364 Residential 52 dB(A) 55 dB(A) 57 dB(A) 60 dB(A)

365 Commercial 55 dB(A) 57 dB(A) 60 dB(A) 65 dB(A)

366 Industrial 57 dB(A) 60 dB(A) 65 dB(A) 70 dB(A)

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

369 ~~EDNA of~~ ~~District of Receiving Property~~

370 ~~Sound Source~~ ~~Within King County~~

371 Rural Residential Commercial Industrial

372 Class A 52 dB(A) 55 dB(A) 57 dB(A) 60 dB(A)

373 Class B 55 dB(A) 57 dB(A) 60 dB(A) 65 dB(A)

374 Class C 57 dB(A) 60 dB(A) 65 dB(A) 70 dB(A)))

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

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

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

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

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

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

393            1. Sounds created by existing stationary equipment used in the conveyance of  
394 water by a utility; and

395            2. Sounds created by electrical substations~~((:))~~;

396            B. For any source of sound that ~~((is periodic, that))~~ has a pure tone component  
397 ~~((or that is impulsive and is not measured with an impulse sound level meter))~~, the levels  
398 established by this chapter shall be reduced by 5 dB(A)~~((:))~~, but this reduction shall not  
399 be imposed on any electrical substation. For the purposes of this subsection, "pure tone  
400 component" means sound having the following qualities: a one-third octave band sound  
401 pressure level in the band with the tone that exceeds the arithmetic average of the sound  
402 pressure levels of the two contiguous one-third octave bands by 5 decibels for center  
403 frequencies of 500 Hz and above, by 8 decibels for center frequencies between 160 and  
404 400 Hz, and by 15 decibels for center frequencies less than or equal to 125 Hz; and

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

- 408 1. ~~5 dB(A) for a total of fifteen minutes in any one-hour period; or~~  
409 2. ~~10 dB(A) for a total of five minutes in any one-hour period; or~~  
410 3. ~~15 dB(A) for a total of one and one-half minutes in any one-hour period).~~

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

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

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

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

424	<del>((Vehicle Category</del>	<del>35 mph or less</del>	<del>over 35 mph</del>
425	Motorcycles	80 dB(A)	84 dB(A)
426	Motor vehicles over 10,000 pounds GVWR	86 dB(A)	90 dB(A)
427	<del>or GCWR</del>		

428 ~~All other motor vehicles~~ ~~76 dB(A)~~ ~~80 dB(A))~~

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

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

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

435           It is unlawful for any person to modify or change any part of a motor vehicle or  
436 install any device thereon in any manner that permits sound to be emitted by the motor  
437 vehicle in excess of the limits prescribed by this chapter. It is unlawful for any person to  
438 remove or render inoperative, or cause to be removed or rendered inoperative, other than  
439 for purposes of maintenance, repair((;)) or replacement, any muffler or sound-dissipative  
440 device on a motor vehicle.

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

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

445           It is unlawful for any person to operate a motor vehicle in such a manner as to  
446 cause, or allow to be emitted, squealing, screeching((;)) or other such a sound, from the  
447 tires in contact with the ground because of rapid acceleration or excessive speed around  
448 corners or other such reason((; provided, that)). However, sound resulting from  
449 emergency braking to avoid imminent danger ((shall be)) is exempt from this section.



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

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

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

459 ~~((Vehicle Category~~

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

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

462 ~~and prior to 1978~~

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

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

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

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

469            Sounds created by motor vehicles are exempt from the maximum permissible  
470 sound levels of ((Chapter 12.88;)) K.C.C. 12.88.020, as recodified by this ordinance, and  
471 K.C.C. 12.88.030, as recodified by this ordinance, except that sounds created by any  
472 motor vehicle operated off public highways shall be subject to the sound levels of

473 ~~((Chapter 12.88))~~ K.C.C. 12.88.020, as recodified by this ordinance, and K.C.C.  
474 12.88.030, as recodified by this ordinance, when such sounds are received in rural or  
475 residential districts of King County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

515           A. It is unlawful for any person to cause, or for any person in possession of  
516 property to allow to originate from the property, sound that is a public nuisance noise.

517 ~~((Pursuant to the notice and order procedure incorporated by Chapter 12.99, the~~

518 administrator may determine that a sound constitutes a public nuisance noise as defined  
519 in Section 12.87.220. It is unlawful for any person to cause, or for any person in  
520 possession of property to allow to originate from the property, sound which has been  
521 determined a public nuisance noise.)) For the purposes of this section, "public nuisance  
522 noise" means any sound that unreasonably annoys, injures, interferes with or endangers  
523 the comfort, repose, health or safety of a community or neighborhood, although the  
524 extent of damage may be unequal.

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

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

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

532 A. It is unlawful for any person to cause, or for any person in possession of  
533 property to allow to originate from the property, sound that is a public disturbance noise.  
534 For the purposes of this section, "public disturbance noise" means any sound that  
535 unreasonably disturbs or interferes with the peace, comfort or repose of a person or  
536 persons. The hour of the day at which the sound occurs may be a factor in determining  
537 reasonableness. ((The following-s))Sounds that are ((determined to be)) public  
538 disturbance noises((-)) may include, but are not limited to:

539           ~~((A.))~~ 1. The frequent, repetitive or continuous sounding of any horn or siren  
540 attached to a motor vehicle, except as a warning of danger or as specifically permitted or  
541 required by law;

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

547           ~~((C.))~~ 3. The use of a sound amplifier or other device capable of producing or  
548 reproducing amplified sound upon public streets for the purpose of commercial  
549 advertising or sales or for attracting the attention of the public to any vehicle, structure, or  
550 property or the contents therein, except as permitted by law, and except that vendors  
551 whose sole method of selling is from a moving vehicle shall be exempt from this  
552 subsection;

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

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

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

571 6. Frequent, repetitive or continuous sound, including but not limited to  
572 impulsive or amplified sound such as emanates from an audio device, where the sound is  
573 plainly audible or can be felt at fifty feet or more from the source of sound, or three  
574 hundred feet or more if the source of sound is from a watercraft, when the sound is  
575 received in a residential or rural district. For the purposes of this subsection A.6, "plainly  
576 audible" means any sound that can be detected by unaided hearing faculties of normal  
577 acuity, including, but not limited to, being able to detect the rhythmic bass component of  
578 music coming from a sound amplifier regardless of whether the title, specific words or  
579 artist performing the song can be identified; and

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

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

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

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

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

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

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

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

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

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

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

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

603           ~~((D.))~~ G. Sounds created by warning devices of not more than fifteen minutes in  
604 duration per incident. For the purposes of this subsection, "warning device" means a  
605 device that is working as intended to provide public warning of potentially hazardous,

606 emergency or illegal activities, including, but not limited to, a burglar alarm or vehicle  
607 backup signal, but not including any fire alarm;

608       H. Sounds created by emergency equipment and emergency work necessary in  
609 the interests of law enforcement or ((øf)) for the health, safety or welfare of the  
610 community. For the purposes of this subsection, "emergency work" means work required  
611 to restore property to a safe condition following a disaster, as defined at K.C.C.  
612 12.52.010, work required to protect persons or property from an imminent danger, work  
613 by private or public utilities for providing or restoring immediately necessary utility  
614 service, or work to address other emergencies as determined by the director. The director  
615 shall, within fourteen days of making such a determination under this section, document  
616 in a written decision the nature of the emergency work, why it is necessary for the health,  
617 safety or welfare of the community, any complaints about the noise and any objections to  
618 the director's determination. The written decision shall be filed in the form of a paper  
619 original and an electronic copy with the clerk of the council, who shall retain the original  
620 and provide an electronic copy to all councilmembers, the council chief of staff, the  
621 policy staff director and the lead staff for the law, justice, health and human services  
622 committee, or its successor;

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

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

626       ((G-)) K. Sounds originating from silviculture or forest ~~((harvesting and~~  
627 silviculture activity and from commercial agriculture)) practices conducted under chapter



628 76.09 RCW and Title 222 WAC if the receiving property is located in a rural,  
629 commercial or industrial district of King County;

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

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

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

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

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

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

647 Q. Sounds created by the legal discharge of fireworks as defined in K.C.C.  
648 6.26.060 and K.C.C. 6.26.080((-

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

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

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

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

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

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

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

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

667            ~~((E.))~~ D. Sounds originating from silviculture or forest ~~((harvesting and~~  
668 ~~silviculture activity and from commercial agriculture))~~ practices conducted under chapter  
669 76.09 RCW and Title 222 WAC , if the receiving property is located in a residential  
670 district of King County. ~~((The administrator is authorized to promulgate regulations~~  
671 ~~which extend the hours during which this exemption is in effect to conform with))~~ Forest  
672 practices exempt under this subsection include any operating hours designated by the

673 Washington state Department of Natural Resources (~~(in directing)~~) as part of an official  
674 fire closure; (~~and~~)

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

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

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

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

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

687 1. For heavy equipment used on construction sites, including crawlers, tractors,  
688 bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-  
689 highway trucks, ditchers, trenchers, compactors, compressors and other similar  
690 equipment, operating hours are between 7:00 a.m. and 7:00 p.m. weekdays and between  
691 9:00 a.m. and 7:00 p.m. weekends;

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

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

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

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

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

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

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

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

721           ~~((B.))~~ C. The aircraft or component shall be oriented parallel to the direction of  
722 any operational runway of the airport, or within ten degrees of parallel to any operational  
723 runway of the airport~~((, provided that))~~. ~~((t))~~This ((shall apply)) subsection applies only  
724 to Seattle-Tacoma International Airport.

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

734           ~~((D.))~~ E. If the testing or maintenance is performed at the Boeing Field/King  
735 County International Airport, the aircraft or component shall be entirely within the  
736 ultimate airport property line as shown on the map entitled "Boeing Field/King County  
737 International Airport - Airport Layout Plan" (prepared December 1, 1976, revised  
738 ~~((October 10, 1978))~~ December 2, 2008), at areas designated by the airport manager. It is  
739 intended that this map be the reference map regardless of any future changes, ~~((provided~~  
740 ~~that))~~ but the ~~((administrator))~~ airport manager may grant exceptions to this subsection

741 for good cause shown. A copy of the Boeing Field/King County International Airport  
742 layout plan map is on file in the Seattle city clerk's office, at the office of the airport  
743 manager of the Boeing Field/King County International Airport((;)) and at the Planning  
744 and Research Department of the Port of Seattle.

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

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

749 A. ~~((Any person who owns or is in possession or control of any property or use,  
750 or any process or equipment, may apply to the administrator for relief from the  
751 requirements of Chapters 12.86 through 12.100 or rules or regulations promulgated  
752 hereunder governing the quality, nature, duration or extent of discharge of noise. In a  
753 proper case, the variance may apply to all sources of a particular class or type. The  
754 application shall be accompanied by such information and data as the administrator may  
755 require. In accordance with the administrative code, the administrator shall promulgate  
756 rules and regulations governing the application for and granting of such variances,  
757 including hearings and notice.~~

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

- 760 1. ~~Temporary variance~~ \_\_\_\_\_ ~~\$200.00;~~  
761 2. ~~Technical or economic variance, source in rural or~~  
762 ~~residential district~~ \_\_\_\_\_ ~~\$200.00;~~  
763 3. ~~Technical or economic variance, source in commercial or~~

764 industrial district \_\_\_\_\_ \$500.00.

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

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

770 E. ~~No variance shall be granted pursuant to this section until the administrator~~  
771 ~~has considered the relative interests of the applicant, other owners or possessors of~~  
772 ~~property likely to be affected by the noise, and the general public. A technical or~~  
773 ~~economic variance may be granted only after a public hearing on due notice. The~~  
774 ~~administrator may grant a variance, if he finds that:~~

775 1. ~~The noise occurring or proposed to occur does not endanger public health or~~  
776 ~~safety; and~~

777 2. ~~The applicant demonstrates the criteria required for temporary, technical or~~  
778 ~~economic variance under Section 12.96.020.~~

779 F. ~~Variances, except temporary variances, granted pursuant to Chapters 12.86~~  
780 ~~through 12.100 may be renewed on terms and conditions and for periods which would be~~  
781 ~~appropriate on the initial granting of a variance. No renewal shall be granted except on~~  
782 ~~application made at least sixty days prior to the expiration of the variance.~~

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

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

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

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

802           a. be in writing and shall be clearly labeled noise variance request;

803           b. identify the person making the request and provide an address to which  
804 correspondence regarding the requested noise variance should be mailed;

805           c. identify the specific section or sections of the noise regulations for which the  
806 variance is being requested;

807           d. identify the location and a detailed description of proposed project or  
808 activity and any associated permits;



809           e. include written analyses and supporting documentation to assist the director  
810 in demonstrating that the project or activity will not impact a substantial number of  
811 people or endanger public health or safety; and

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

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

818           4. Within fourteen days of receipt of a complete application for a temporary  
819 noise variance, the director shall provide public notice as provided in K.C.C.  
820 20.20.060.H.

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

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

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

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

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

839 NEW SECTION. SECTION 83. There is hereby added to K.C.C. chapter 27.10  
840 a new section to read as follows:

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

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

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

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

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

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

854           The ~~((administrator and))~~ sheriff ~~((are authorized to))~~ may administer and enforce  
855 ~~((K.C.C.))~~ this chapter~~((s 12.86 through 12.100 of this code; provided, that the sheriff is~~  
856 ~~authorized to provided, that the director of the department of public safety is directed to~~  
857 ~~enforce K.C.C. chapter 12.90 and 12.91 and K.C.C. 12.87.180, 12.87.290, 12.87.350,~~  
858 ~~12.92.020 and 12.94.010))~~ and any rules and regulations adopted or authorized by this  
859 chapter in accordance with state law. The director may enforce this chapter and any rules  
860 and regulations adopted or authorized by this chapter in accordance with K.C.C. Title 23  
861 and state law. Upon request by the ~~((administrator or the))~~ sheriff or director, ~~((all))~~ any  
862 other county departments and divisions may assist ~~((them))~~ in enforcing ~~((K.C.C.))~~ this  
863 chapter~~((s 12.86 through 12.100))~~.

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

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

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

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

872           When the location, distance or technique prescribed in ~~((Chapters 12.86 through~~  
873 ~~12.100))~~ this chapter for measurement of sound is impractical or would yield misleading  
874 or inaccurate results, measurements ~~((shall))~~ may be taken at other locations or distances  
875 using appropriate correction factors~~((, as specified in the rules promulgated by the~~  
876 ~~administrator))~~.

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

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

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

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

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

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

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

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

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

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

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

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

910 a. citations:

911 (1) ~~((W))~~with no previous similar code violations \$100

912 (2) with no previous code violations of K.C.C. chapter  
913 12.86 within the past twelve months \$125

914 (3) with one previous code violation of K.C.C. chapter  
915 12.86 within the past twelve months \$250

916 (4) ~~((W))~~with one or more previous similar code \$500  
917 ~~((V))~~violations, or with two previous code violations  
918 of K.C.C. chapter 12.86 within the past twelve months

919 ~~((3))~~ (5) ~~((W))~~with two or more previous violations of Double the  
920 K.C.C. Title 10, or three or more previous code rate of the

- 921 violations of K.C.C. chapter 12.86 within the past previous
- 922 twelve months penalty
- 923 b. violation of notice and orders and stop work orders:
- 924 (1) ~~((S))~~stop work order basic penalty \$500
- 925 (2) ~~((V))~~voluntary compliance agreement and notice and \$25
- 926 order basic penalty
- 927 (3) ~~((A))~~additional initial penalties may be added in the following amounts
- 928 for violations where there is:
- 929 (a) public health risk \$15
- 930 (b) environmental damage risk \$15
- 931 (c) damage to property risk \$15
- 932 (d) one previous similar code violation \$25
- 933 (e) two previous similar code violations \$50
- 934 (f) three or more previous similar code violations \$75
- 935 (g) economic benefit to person responsible for violation \$25
- 936 c. cleanup restitution payment ~~((-))~~: as specified in K.C.C. 23.02.140.
- 937 d. reinspection following the issuance of a notice and order, if the violation has
- 938 not been abated in accordance with the notice and order:
- 939 (1) first reinspection, which shall occur no sooner than the \$150
- 940 day following the date compliance is required by the
- 941 notice and order
- 942 (2) second reinspection, which shall occur no sooner than \$300
- 943 fourteen days following the first reinspection

944 (3) third reinspection, which shall occur no sooner than \$450

945 fourteen days following the second reinspection

946 (4) reinspection after the third reinspection, which shall \$450

947 only be conducted immediately preceding an

948 administrative or court ordered abatement or at the

949 direction of the prosecuting attorney for the purpose of

950 presenting evidence in the course of litigation or

951 administrative hearing against the person responsible for

952 code compliance

953 2. For the purposes of this section, previous similar code violations that can

954 serve as a basis for a higher level of civil penalties include violations of the same chapter

955 of the King County Code. Any citation, stop work order or notice and order previously

956 issued by the department shall not constitute a previous code violation for the purposes of

957 this section if that stop work order or notice and order was appealed and subsequently

958 reversed.

959 B. The penalties assessed pursuant to this section for any failure to comply with a

960 notice and order or voluntary compliance agreement shall be assessed daily, according to

961 the schedule in subsection A of this section, for the first thirty days following the date the

962 notice and order or voluntary compliance agreement required the code violations to have

963 been cured. If after thirty days the person responsible for code compliance has failed to

964 satisfy the notice and order or voluntary compliance agreement, penalties shall be

965 assessed daily at a rate of double the rate for the first thirty days. Penalties may be

966 assessed daily until the person responsible for code compliance has fully complied with  
967 the notice and order.

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

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

973 E. The director may suspend the imposition of additional civil penalties if the  
974 person responsible for code compliance has entered into a voluntary compliance  
975 agreement. If the person responsible for code compliance enters into a voluntary  
976 compliance agreement and cures the code violations, the director may also waive all or  
977 part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall  
978 begin to accrue again pursuant to the terms of the voluntary compliance agreement if any  
979 necessary permits applied for are denied, canceled or not pursued, or if corrective action  
980 identified in the voluntary compliance agreement is not completed as specified.

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

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

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

987 A. ~~((Any))~~ A person aggrieved by an order ~~((of))~~ or a citation by the  
988 ~~((administrator or sheriff, including a final variance decision,))~~ director may appeal ~~((to~~



989 ~~the King County hearing examiner))~~ in accordance with K.C.C. chapter 23.36. A person  
990 aggrieved by a civil infraction issued by the sheriff may appeal in accordance with the  
991 Washington Court Rules.

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

996 1. The defendant attempted in good faith to undergo mediation and the  
997 complaining party declined or otherwise failed to mediate despite reasonable efforts on  
998 the part of the defendant. For attempted mediation, the defendant must show reasonable  
999 proof of attempted contact or provide written documentation from a dispute resolution  
1000 center;

1001 2. The parties have agreed to mediate within a reasonable time; or

1002 3. Mediation has occurred after the issuance of the order, citation or infraction.

1003 SECTION 99. K.C.C. 12.100.010, as amended by this ordinance, is hereby  
1004 recodified as a section in K.C.C. chapter 12.86.

1005 SECTION 100. Ordinance 3139, Section 1001, and K.C.C. 12.100.010 are each  
1006 hereby amended to read as follows:

1007 The provisions of this ~~((C))chapter((s 12.86 through 12.100))~~ shall be cumulative  
1008 and nonexclusive and shall not affect any other claim, cause of action or remedy ~~((; nor~~  
1009 ~~shall proof of a violation of Chapters 12.86 through 12.100\_ constitute prima facie proof~~  
1010 ~~of any private cause of action)).~~ Unless otherwise specifically provided, this  
1011 ~~((C))chapter((s 12.86 through 12.100))~~ shall not be deemed to repeal, amend or modify

1012 any law, ordinance or regulation relating to noise, but shall be deemed additional to  
1013 existing legislation and common law on noise.

1014 SECTION 101. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020  
1015 are each hereby amended to read as follows:

1016 A. Special use permits shall be required for any use of county property except  
1017 uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C.  
1018 chapter 14.28 relating to county road system rights-of-way use permits.

1019 B. Upon receipt of an application for a (~~("Special Use")~~) special use permit upon  
1020 county property, the (~~(property services division)~~) real estate services section of the  
1021 facilities management division shall determine whether the proposed use is upon county-  
1022 owned property.

1023 C. The (~~(property services division)~~) real estate services section shall forward the  
1024 application to all county custodial departments for review.

1025 D. The custodial departments shall review the application and forward its  
1026 recommendation whether the permit shall be issued by the (~~(property services division)~~)  
1027 real estate services section. If a custodial department recommends denial, the (~~(property~~  
1028 ~~services division)~~) real estate services section shall deny the permit.

1029 E. If there is no custodial department with jurisdiction over the county property,  
1030 the (~~(property services division)~~) real estate services section shall evaluate the feasibility  
1031 of the proposed use, its impact on other uses of the county property and its impact on  
1032 public health and safety. Based on this evaluation, the (~~(property services division)~~) real  
1033 estate services section shall determine whether the permit should be issued.

1034 F. In all cases, the ~~((property services division))~~ real estate services section shall  
1035 forward the application to the department of permitting and environmental review for  
1036 recommendations on critical area issues and the ~~((property services division))~~ real estate  
1037 services section shall be responsible for assuring that any application meets the  
1038 requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated  
1039 thereunder before the permit is issued.

1040 G. If the special use permit is for an event that the manager of the real estate  
1041 services section believes may generate substantial noise, then the real estate services  
1042 section shall also forward the application to the sheriff for informational purposes.

1043 SECTION 102. Ordinance 15053, Section 11, as amended, and K.C.C. 16.82.105  
1044 are each hereby amended to read as follows:

1045 A. Hours of operation for clearing and grading activities ~~((, unless otherwise~~  
1046 ~~specified by the director, shall be between seven a.m. and seven p.m. Monday through~~  
1047 ~~Saturday and between ten a.m. and five p.m. Sunday))~~ are in section 78 of this ordinance.

1048 B. Before approving any variation of the hours of operation for clearing and  
1049 grading activities, the department ~~((, in consultation with the Seattle King County~~  
1050 ~~department of public health,))~~ shall:

1051 1. Determine whether strict enforcement of this title creates an unnecessary  
1052 hardship to the property owner;

1053 2. Determine whether the variance is required because of:

1054 a. unique circumstances caused by other regulatory or contractual  
1055 requirements;

1056 b. the type of project or special construction requirements; or

1057 c. for public agency projects, the granting of the variance is in the overall best  
1058 interests of the public;

1059 3. Determine that the variance is the minimum necessary to grant relief to the  
1060 applicant;

1061 4. Determine whether the development proposal can comply with nighttime  
1062 noise standards in accordance with K.C.C. ((chapter 12.88)) 12.88.020, as recodified by  
1063 this ordinance, and K.C.C. 12.88.030, as recodified by this ordinance;

1064 ~~((2.))~~ 5. Determine whether the development proposal will cause significant  
1065 adverse noise effects to the community; and

1066 ~~((3.))~~ 6. Require mitigation for any identified impacts ((before the department  
1067 approves a variation in the hours of operation)) to avoid health and safety hazards and to  
1068 ensure the variance is not materially detrimental to the public welfare.

1069 ~~((C. The department's decision to approve a variation in the hours of operation~~  
1070 ~~shall be in writing and shall include a specific finding of compliance with the noise~~  
1071 ~~standards, the facts and conclusions supporting that finding and any mitigation,~~  
1072 ~~conditions or limitations imposed. All decisions made under this section shall be~~  
1073 ~~compiled by the department and made available for public inspection.))~~

1074 SECTION 103. Ordinance 10870, Section 445, as amended, and K.C.C.  
1075 21A.22.070 are each hereby amended to read as follows:

1076 Operating conditions and performance standards shall be as specified in K.C.C.  
1077 chapter 16.82 except:

1078           A.1. Noise levels produced by a mineral extraction or materials processing  
1079 operation shall not exceed levels specified by K.C.C. chapter((s)) 12.86(~~(, 12.87, 12.88,~~  
1080 ~~12.90, 12.91, 12.92, 12.94, 12.96, 12.98, 12.99 and 12.100))~~);

1081           2. Hours of operation for mineral extraction and materials processing facilities,  
1082 unless otherwise specified by the director, shall be between 7:00 a.m. and 7:00 p.m.  
1083 Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and holidays;

1084           3. Before approving any variation of the hours of operation, the department  
1085 shall:

1086           a. determine whether on-site operations can comply with nighttime noise  
1087 standards in accordance with K.C.C. 12.88.020, as recodified by this ordinance, and  
1088 K.C.C. 12.88.030, as recodified by this ordinance;

1089           b. determine whether the variance would cause significant adverse noise  
1090 impacts to the community in accordance with standards and methodologies developed by  
1091 the Federal Transit Administration, Federal Highway Administration or World Health  
1092 Organization, or any combination thereof, for evaluating noise impacts, or other  
1093 comparable standards and methods; and

1094           c. require mitigation for any identified impacts before the department approves  
1095 a variation in the hours of operation; and

1096           4. The director's decision to approve a variation in the hours of operation shall  
1097 be in writing and shall include a specific finding of compliance with the noise standards,  
1098 the facts and conclusions supporting that finding and any mitigation, conditions or  
1099 limitations imposed. All decisions made under this subsection shall be compiled by the  
1100 department and made available for public inspection;

1101 B. Blasting shall be conducted under an approved blasting plan:

1102 1. Consistent with the methods specified in the ~~((o))~~Office of ~~((s))~~Surface  
1103 ~~((m))~~Mining Enforcement and Reclamation~~((;))~~ 1987 Blasting Guidance Manual in a  
1104 manner that protects from damage all structures, excluding those owned and directly used  
1105 by the operator, and persons in the vicinity of the blasting area, including, but not limited  
1106 to, adherence to the following:

1107 a. Airblast levels shall not exceed one hundred thirty-three ~~((dB))~~ decibels  
1108 measured by a two Hz or lower flat response system at the nearest residential property or  
1109 place of public assembly;

1110 b. Flyrock shall not be cast one-half the distance to the nearest residential  
1111 property, place of public assembly or the property boundary, whichever is less. For the  
1112 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior  
1113 to any enclosed structure, at ground surface, which separates the property of one or more  
1114 persons from that owned by others, and its vertical extension; and

1115 c. Ground motion shall not exceed ground vibration levels damaging to  
1116 structures using one of the four accepted methods in the Office of Surface Mining  
1117 Enforcement and Reclamation 1987 Blasting Guidance Manual;

1118 2. During daylight hours; and

1119 3. According to a time schedule, provided to residents within one-half mile of  
1120 the site, that features regular or predictable times, except in the case of an emergency. If  
1121 requested by a resident, the operator shall provide notice of changes in the time schedule  
1122 at least twenty four hours before the changes take effect;

1123 C.1. Dust and smoke produced by mineral extraction and materials processing  
1124 operations shall be controlled by best management practices to comply with relevant  
1125 regulations of the Puget Sound Clean Air Agency.

1126 2. Dust and smoke from process facilities shall be controlled in accordance with  
1127 a valid operating permit from the Puget Sound Clean Air Agency. Copies of the permit  
1128 shall be kept onsite and available for department and public inspection. Copies of the  
1129 Puget Sound Clean Air Agency monitoring results shall be provided to the department on  
1130 permit monitoring data submittal dates.

1131 3. Dust and smoke from process facilities shall not significantly increase the  
1132 existing levels of suspended particulates at the perimeter of the site;

1133 D. The applicant shall prevent rocks, dirt, mud and any raw or processed material  
1134 from spilling from or being tracked by trucks onto public roadways and shall be  
1135 responsible for cleaning debris or repairing damage to roadways caused by the operation;

1136 E. The applicant shall provide traffic control measures such as flaggers or  
1137 warning signs as determined by the department during all hours of operation;

1138 F. The operator shall control surface water and site discharges to comply with  
1139 K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the  
1140 stormwater pollution prevention manual. For the life of the mineral resource operation  
1141 and until site reclamation is complete, the operator shall maintain a valid Washington  
1142 state ((d))Department of ((e))Ecology National Pollutant Discharge Elimination System  
1143 individual permit or maintain coverage under the sand and gravel general permit. The  
1144 operator shall keep onsite and available for department review copies of the erosion and  
1145 sediment control plan, the applicable National Pollution Discharge Elimination System

1146 individual or general permit and the Stormwater Pollution Prevention Plan. The operator  
1147 shall make the plans and permit available for public inspection upon request. The  
1148 operator shall provide to the department copies of the monitoring results on permit  
1149 monitoring data submittal dates. The department shall make the monitoring results  
1150 available for public inspection. If the department determines that National Pollution  
1151 Discharge Elimination System monitoring frequency or type is not adequate to meet the  
1152 demands of the site and the requirements of this subsection, the department may require  
1153 more frequent and detailed monitoring and may require a program designed to bring the  
1154 site into compliance;

1155         G. The operator shall not excavate below the contours determined through  
1156 hydrologic studies necessary to protect groundwater and the upper surface of the  
1157 saturated groundwater that could be used for potable water supply;

1158         H. If contamination of surface or ground water by herbicides is possible, to the  
1159 maximum extent practicable, mechanical means shall be used to control noxious weeds  
1160 on the site;

1161         I. Upon depletion of mineral resources or abandonment of the site, the operator  
1162 shall remove all structures, equipment and appurtenances accessory to operations; and

1163         J. If the operator fails to comply with this section, the department shall require  
1164 modifications to operations, procedures or equipment until compliance is demonstrated to  
1165 the satisfaction of the department. If the modifications are inconsistent with the approved  
1166 permit conditions, the department shall revise the permit accordingly.

1167         SECTION 104. A. By June 30, 2018, the county auditor shall submit a report to  
1168 the council on the effectiveness of this ordinance, including, but not limited to:



1169           1. The ability of the code to provide relief from unreasonable noise, protect  
1170 those faced with unreasonable complaints about their level of noise and provide readily  
1171 enforceable language for code enforcement officers to implement;

1172           2. An analysis of the effects of shifting the emphasis in the noise code from  
1173 being decibel-based to relying primarily on public disturbance provisions and  
1174 construction hour limits; and

1175           3. An analysis of the impact of variance requests on the workload of the  
1176 department of permitting and environmental review.

1177           B. The report shall be filed in the form of a paper original and an electronic copy  
1178 with the clerk of the council, who shall retain the original and provide an electronic copy  
1179 to all councilmembers and the lead staff of the law, justice, health and human services  
1180 committee, or its successor.

1181           SECTION 105. A. By fifteen days after the date of enactment of this ordinance,  
1182 the executive shall submit this ordinance to the state Department of Ecology for its  
1183 approval of the standards in this ordinance, as provided in RCW 70.107.060, and shall  
1184 file with the clerk of the council a paper copy and an electronic copy of proof of the  
1185 submittal.

1186           B. If the Department of Ecology approves the standards of this ordinance, the  
1187 executive shall, within ten days of the approval, file with the clerk of the council, in the  
1188 form of a paper copy and an electronic copy, the Department of Ecology's approval. The  
1189 clerk of the council shall forward electronic copies of the approval to all councilmembers  
1190 and the lead staff of the law, justice, health and human services committee, or its  
1191 successor.

1192 C. 1. If the Department of Ecology disapproves the standards of this ordinance,  
1193 the executive shall, within ten days of the disapproval, file a notice with the clerk of the  
1194 council, in the form of a paper copy and an electronic copy, including the Department of  
1195 Ecology's disapproval and indicating whether there will be an appeal of the disapproval  
1196 pursued by the county under RCW 70.107.060. The clerk of the council shall forward  
1197 electronic copies of the disapproval to all councilmembers and the lead staff of the law,  
1198 justice, health and human services committee, or its successor.

1199 2. If an appeal is pursued by the county under RCW 7.107.060, the executive  
1200 shall, within ten days of the decision of the state Pollution Control Hearings Board, file  
1201 with the clerk of the council, in the form of a paper copy and an electronic copy, the  
1202 Pollution Control Hearings Board's decision. The clerk of the council shall forward  
1203 electronic copies of the decision to all councilmembers and the lead staff of the law,  
1204 justice, health and human services committee, or its successor.

1205 D. If the Department of Ecology fails to approve or disapprove the standards in  
1206 this ordinance within ninety days of the submittal under subsection A. of this section, in  
1207 accordance with RCW 70.107.060, the standards shall be deemed approved. The  
1208 executive shall file within ten days of the ninety-day period notice of the Department of  
1209 Ecology's inaction with the clerk of the council in the form of a paper copy and an  
1210 electronic copy. The clerk of the council shall forward electronic copies of the notice to  
1211 all councilmembers and the lead staff of the law, justice, health and human services  
1212 committee, or its successor.

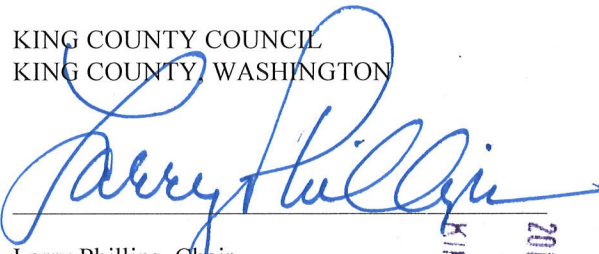
1213 SECTION 106. A. Sections 1 through 104 of this ordinance take effect ten days  
1214 after one of the following:

- 1215           1. The executive files under section 105.B.1. of this ordinance the state  
1216 Department of Ecology's approval;
- 1217           2. The executive files under section 105.B.2. of this ordinance the state  
1218 Pollution Control Hearings Board's approval of an appeal; or
- 1219           3. The executive files a notice under section 105.C. of this ordinance.
- 1220           B. Sections 1 through 104 of this ordinance do not take effect if the Department  
1221 of Ecology disapproves of the standards in this ordinance in accordance with RCW  
1222 70.107.060 and either:
- 1223           1. Notice is made under section 105.B.1. of the disapproval and that an appeal  
1224 will not be pursued; or

1225 2. A filing is made under section 105.B.2. of this ordinance of the Pollution  
1226 Control Hearings Board's denial of the appeal.  
1227

Ordinance 18000 was introduced on 12/1/2014 and passed as amended by the Metropolitan King County Council on 3/16/2015, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  


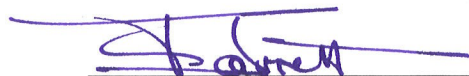
Larry Phillips, Chair

ATTEST:

  
\_\_\_\_\_

Anne Noris, Clerk of the Council

APPROVED this 26 day of March, 2015.

  
\_\_\_\_\_

Dow Constantine, County Executive

RECEIVED  
2015 MAR 26 PM 3:35  
CLERK  
KING COUNTY COUNCIL

Attachments: None