

7/22/77

Introduced by: Robert B. Dunn
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75-566

3139

ORDINANCE NO. _____

AN ORDINANCE relating to noise control; adding new chapters to Title 12, KCC; providing for administration and enforcement; defining offenses; and incorporating penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. The following chapter is hereby added to Title 12 of the King County Code:

CHAPTER 1. Declaration of Policy and Finding of Special Conditions

SECTION 101. DECLARATION OF POLICY. It is hereby declared to be the policy of King County to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the County Council to control the level of noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment.

SECTION 102. FINDINGS OF SPECIAL CONDITIONS. The problem of noise in King County has been studied since 1969 by two appointed citizen committees and since 1974 by the Councils of King County and the City of Seattle. On the basis of this experience and knowledge of conditions within King County, the King County Council hereby finds that special conditions exist within the County which make necessary any and all differences between this ordinance and the regulations adopted by the Department of Ecology.

NEW SECTION. SECTION 2. The following chapter is hereby added to Title 12 of the King County Code:

CHAPTER 2. Definitions

All technical terminology used in this ordinance, not defined in this chapter, shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1960 and Section 1.4-1971. Words used in the masculine gender

1 include the feminine and words used in the feminine gender include
2 the masculine. For the purposes of this ordinance the words and
3 phrases used herein shall have the following meanings:

4 SECTION 201. ADMINISTRATIVE CODE means King County
5 Ordinance No. 2165.

6 SECTION 202. ADMINISTRATOR means the Director of the Seattle
7 King County Department of Public Health or his authorized
8 representative.

9 SECTION 203. COMMERCIAL AGRICULTURE means the production of
10 livestock or agricultural commodities on lands defined as "Farm
11 and Agricultural" by Section 84.34.020(2) of the Revised Code of
12 Washington (RCW) and the offering of the livestock and
13 agricultural commodities for sale.

14 SECTION 204. CONSTRUCTION means any site preparation,
15 assembly, erection, demolition, substantial repair, alteration or
16 similar action for or of public or private rights of way,
17 structures, utilities or similar property.

18 SECTION 205. dB(A) means the sound level measured in
19 decibels, using the "A" weighting network.

20 SECTION 206. DISTRICT means the land use zones to which the
21 provisions of this ordinance are applied. For the purposes of
22 this ordinance:

23 (a) RURAL DISTRICT includes zones designated in the King
24 County Zoning Code as A, F-R, F-P, S-E, G, and S-R greater than
25 35,000 square feet;

26 (b) RESIDENTIAL DISTRICT includes zones designated in the
27 King County Zoning Code as R-S, R-D, R-M, B-N and S-R less than
28 35,000 square feet as well as zones designated as RS, RW, RD,
29 RM, RMH, RM-MD, RMV, and BN in the Comprehensive Zoning
30 Ordinance of the City of Seattle;

31 (c) COMMERCIAL DISTRICT includes zones designated in the
32 King County Zoning Code as B-C, C-G, M-L and M-P as well as zones
33 designated as BI, BC, BM, CM, CMT, and CG in the Comprehensive
Zoning Ordinance of the City of Seattle; and

1 (d) INDUSTRIAL DISTRICT includes zones designated in the
2 King County Zoning Code as M-H, Q-M and unclassified uses as well
3 as zones designated as M, IG, and IH in the Comprehensive
4 Zoning Ordinance of the City of Seattle.

5 SECTION 207. EDNA means the environmental designation for
6 noise abatement, as defined and described by the State Department
7 of Ecology Regulations on Environmental Noise Levels, WAC chapter
8 173-60.

9 SECTION 208. EMERGENCY WORK means work required to restore
10 property to a safe condition following a public calamity, work
11 required to protect persons or property from an imminent exposure
12 to danger, or work by private or public utilities for providing
13 or restoring immediately necessary utility service.

14 SECTION 209. EQUIPMENT means any stationary or portable
15 device or any part thereof capable of generating sound.

16 SECTION 210. GROSS COMBINATION WEIGHT RATING (GCWR) means
17 the value specified by the manufacturer as the recommended
18 maximum loaded weight of a combination vehicle.

19 SECTION 211. GROSS VEHICLE WEIGHT RATING (GVWR) means the
20 value specified by the manufacturer as the recommended maximum
21 loaded weight of a single vehicle.

22 SECTION 212. IMPULSIVE SOUND means sound having the
23 following qualities: the peak of the sound level is less than one
24 second and short compared to the occurrence rate; the onset is
25 abrupt; the decay rapid; and the peak value exceeds the ambient
26 level by more than 10 dB(A).

27 SECTION 213. MOTOR VEHICLE means any vehicle which is self-
28 propelled, used primarily for transporting persons or property
29 upon public highways and required to be licensed under RCW
30 46.16.010. (Aircraft, watercraft and vehicles used exclusively
31 on stationary rails or tracks are not motor vehicles as that term
32 is used herein.)

33 SECTION 214. MOTOR VEHICLE RACING EVENT means any

1 competition between motor vehicles and/or off-highway vehicles
2 under the auspices of a sanctioning body recognized by the
3 Administrator in accordance with the Administrative Code.

4 SECTION 215. MOTORCYCLE means any motor vehicle having a
5 saddle for the use of the rider and designed to travel on not
6 more than three wheels in contact with the ground; except that
7 farm tractors and vehicles powered by engines of less than five
8 horsepower shall not be included.

9 SECTION 216. MUFFLER means a device consisting of a series
10 of chambers or other mechanical designs for the purpose of
11 receiving exhaust gas from an internal combustion engine and
12 effective in reducing sound resulting therefrom.

13 SECTION 217. NEW MOTOR VEHICLE means a motor vehicle
14 manufactured after December 31, 1975, the equitable or legal
15 title of which has never been transferred to a person who, in
16 good faith, purchases the new motor vehicle for purposes other
17 than resale.

18 SECTION 218. NOISE means the intensity, duration and
19 character of sounds from any and all sources.

20 SECTION 219. OFF-HIGHWAY VEHICLE means any self-propelled
21 motor driven vehicle not used primarily for transporting persons
22 or property upon public highways nor required to be licensed
23 under RCW 46.16.010. The term "Off-highway vehicle" shall not
24 include special construction vehicles.

25 SECTION 220. PERIODIC SOUND means sound having the
26 following qualities: the sound level varies repetitively with a
27 period of one minute or less, and the peak value is more than
28 5 dB(A) above the minimum value.

29 SECTION 221. PERSON means any individual, firm, association,
30 partnership, corporation or any other entity, public or private.

31 SECTION 222. PROPERTY BOUNDARY means an imaginary line
32 exterior to any enclosed structure, at ground surface, which
33 separates the property of one or more persons from that owned by
others, and its vertical extension.

1 SECTION 223. PUBLIC HIGHWAY means the entire width between
2 the boundary lines of every way publicly maintained by the
3 Department of Highways or any county or city when any part
4 thereof is generally open to the use of the public for purposes
5 of vehicular travel as a matter of right.

6 SECTION 224. PUBLIC NUISANCE NOISE means any sound which
7 unreasonably either annoys, injures, interferes with or endangers
8 the comfort, repose, health or safety of any entire community or
9 neighborhood, although the extent of damage may be unequal.

10 SECTION 225. PURE TONE COMPONENT means sound having the
11 following qualities: a one-third octave band sound pressure
12 level in the band with the tone that exceeds the arithmetic
13 average of the sound pressure levels of the two contiguous
14 one-third octave bands by 5 dB for center frequencies of 500 Hz
15 and above, by 8 dB for center frequencies between 160 and 400 Hz,
16 and by 15 dB for center frequencies less than or equal to 125 Hz.

17 SECTION 226. REAL PROPERTY means an interest or aggregate
18 of rights in land which is guaranteed and protected by law; for
19 purposes of this ordinance, "real property" includes a leasehold
20 interest.

21 SECTION 227. RECEIVING PROPERTY means real property within
22 which sound originating from outside the property is received.

23 SECTION 228. SOUND LEVEL means the weighted sound pressure
24 level measured by the use of a metering characteristic and
25 weighted as specified in American National Standards Institute
26 Specifications, Section 1.4-1971. The sound pressure level of a
27 sound expressed in decibels is 20 times the logarithm to the base
28 10 of the ratio of the pressure of the sound to the reference
29 sound pressure of 20 micropascals. In the absence of any
30 specific modifier, the level is understood to be that of a mean-
31 square pressure.

32 SECTION 229. SOUND LEVEL METER means a sound level
33 measuring device, either Type I or Type II, as defined by

1 American National Standards Institute Specifications, Section
2 1.4-1971.

3 SECTION 230. SPECIAL CONSTRUCTION VEHICLE means any vehicle
4 which is designed and used primarily for grading, paving, earth
5 moving, and other construction work; which is not designed or
6 used primarily for the transportation of persons or property on a
7 public highway; and which is only incidentally operated or moved
8 over the highway.

9 SECTION 231. USE means the nature of the occupancy; the
10 type of activity, or the character and form of improvements to which
11 land is devoted or may be devoted.

12 SECTION 232. WARNING DEVICE means any device intended to
13 provide public warning of potentially hazardous, emergency or
14 illegal activities, including but not limited to a burglar alarm
15 or vehicle back-up signal, but not including any fire alarm.

16 SECTION 233. WATERCRAFT means any contrivance, excluding
17 aircraft, used or capable of being used as a means of
18 transportation or recreation on water.

19 SECTION 234. WEEKDAY means any day Monday through Friday
20 which is not a legal holiday.

21 SECTION 235. WEEKEND means Saturday and Sunday or any legal
22 holiday.

23 NEW SECTION: SECTION 3. The following chapter is hereby
24 added to Title 12 of the King County Code:

25 CHAPTER 3. Environmental Sound Levels

26 SECTION 301. UNLAWFUL SOUNDS. It is unlawful for any
27 person to cause sound, or for any person in possession of
28 property to permit sound originating from such property, to
29 intrude into the real property of another person whenever such
30 sound exceeds the maximum permissible sound levels established
31 by this chapter.

32 SECTION 302. MAXIMUM PERMISSIBLE SOUND LEVELS.

33 (a) For sound sources located within King County or the

1 City of Seattle, the maximum permissible sound levels are as
2 follows:

3 DISTRICT OF 4 SOUND SOURCE	5 DISTRICT OF RECEIVING PROPERTY 6 WITHIN KING COUNTY			
	Rural	Residential	Commercial	Industrial
7 Rural	49 dB(A)	52 dB(A)	55 dB(A)	57 dB(A)
8 Residential	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
9 Commercial	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
10 Industrial	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

11 (b) For sound sources located outside King County and the
12 City of Seattle, the maximum permissible sound levels are as
13 follows:

14 EDNA OF 15 SOUND SOURCE	16 DISTRICT OF RECEIVING PROPERTY 17 WITHIN KING COUNTY			
	Rural	Residential	Commercial	Industrial
18 CLASS A	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
19 CLASS B	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
20 CLASS C	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

21 SECTION 303. MODIFICATIONS TO MAXIMUM PERMISSIBLE SOUND
22 LEVELS. The maximum permissible sound levels established by this
23 chapter shall be reduced or increased by the sum of the following:

24 (a) Between the hours of 10:00 P.M. and 7:00 A.M. during
25 weekdays, and between the hours of 10:00 P.M. and 9:00 A.M. on
26 weekends, the levels established by Section 302 of this chapter
27 are reduced by 10 dB(A) where the receiving property lies within
28 a rural or residential district of King County.

29 (b) For any source of sound which is periodic, which has a
30 pure tone component, or which is impulsive and is not measured
31 with an impulse sound level meter, the levels established by this
32 chapter shall be reduced by 5 dB(A).

33 (c) For any source of sound which is of short duration, the
levels established by this chapter are increased by:

(1) 5 dB(A) for a total of 15 minutes in any one-hour

1 period; or

2 (2) 10 dB(A) for a total of 5 minutes in any one-hour

3 period; or

4 (3) 15 dB(A) for a total of 1.5 minutes in any one-hour

5 period.

6 NEW SECTION. SECTION 4. The following chapter is hereby
7 added to Title 12 of the King County Code:

8 CHAPTER 4. Motor Vehicle Sound Levels

9 SECTION 401. SOUNDS CREATED BY OPERATION OF MOTOR VEHICLES.

10 It is unlawful for any person to operate upon any public highway
11 any motor vehicle or any combination of motor vehicles under any
12 conditions of grade, load, acceleration or deceleration in such
13 manner as to exceed the following maximum permissible sound
14 levels for the category of vehicle, as measured at a distance of
15 50 feet from the center of the lane of travel within the speed
16 limits specified, by measurement procedures established by the
17 State Commission on Equipment.

18 <u>Vehicle Category.</u>	<u>35 mph or less</u>	<u>over 35 mph</u>
19 Motorcycles	80 dB(A)	84 dB(A)
20 Motor vehicles over 10,000 pounds GVWR or GCWR	86 dB(A)	90 dB(A)
21 All other motor vehicles	76 dB(A)	80 dB(A)

22
23 SECTION 402. MUFFLERS. It is unlawful for any person to
24 operate, or for any owner to permit any person to operate, any
25 motor vehicle upon the public highways which is not equipped with
26 a muffler in good working order and in constant operation.

27 SECTION 403. MODIFICATION TO MOTOR VEHICLES. It is unlawful
28 for any person to modify or change any part of a motor vehicle or
29 install any device thereon in any manner that permits sound to be
30 emitted by the motor vehicle in excess of the limits prescribed
31 by this chapter. It is unlawful for any person to remove or
32 render inoperative, or cause to be removed or rendered
33 inoperative, other than for purposes of maintenance, repair, or

1 replacement, any muffler or sound dissipative device on a motor
2 vehicle.

3 SECTION 404. TIRE NOISE. It is unlawful for any person to
4 operate a motor vehicle in such a manner as to cause or allow to
5 be emitted squealing, screeching or other such sound from the
6 tires in contact with the ground because of rapid acceleration or
7 excessive speed around corners or other such reason, provided
8 that sound resulting from emergency braking to avoid imminent
9 danger shall be exempt from this section.

10 SECTION 405. SALE OF NEW MOTOR VEHICLES WHICH EXCEED LIMITS.
11 It is unlawful for any person to sell or offer for sale a new
12 motor vehicle, except an off-highway vehicle, which produces a
13 maximum sound level exceeding the following maximum permissible
14 sound levels at a distance of 50 feet, by acceleration test
15 procedures established by the State Commission on Equipment.

16 Vehicle Category

17 Motorcycles manufactured after 1975	83 dB(A)
18 Any motor vehicle over 10,000 lbs. GVWR 19 manufactured after 1975 and prior to 1978	86 dB(A)
20 Any motor vehicle over 10,000 lbs. GVWR 21 manufactured after 1978	83 dB(A)
22 All other motor vehicles	80 dB(A)

23 SECTION 406. MOTOR VEHICLE EXEMPTIONS. Sounds created by
24 motor vehicles are exempt from the maximum permissible sound
25 levels of Chapter 3 of this ordinance; except that sounds created
26 by any motor vehicle operated off public highways shall be subject
27 to the sound levels of Chapter 3 of this ordinance when such
28 sounds are received in rural or residential districts of King
29 County.

30 NEW SECTION. SECTION 5. The following chapter is hereby
added to Title 12 of the King County Code:

31 CHAPTER 5. Public Nuisance and Disturbance Noises

32 SECTION 501. PUBLIC NUISANCE NOISES. Pursuant to the notice
33 and order procedure incorporated by Chapter 9 of this ordinance,

1 the Administrator may determine that a sound constitutes a public
2 nuisance noise as defined herein. It is unlawful for any person
3 to cause, or for any person in possession of property to allow to
4 originate from the property, sound which has been determined a
5 public nuisance noise.

6 SECTION 502. PUBLIC DISTURBANCE NOISES. It is unlawful for
7 any person to cause, or for any person in possession of property
8 to allow to originate from the property, sound that is a public
9 disturbance noise. The following sounds are hereby determined to
10 be public disturbance noises:

11 (a) The frequent, repetitive or continuous sounding of any
12 horn or siren attached to a motor vehicle, except as a warning of
13 danger or as specifically permitted or required by law;

14 (b) The creation of frequent, repetitive or continuous
15 sounds in connection with the starting, operation, repair,
16 rebuilding or testing of any motor vehicle, motorcycle, off-
17 highway vehicle or internal combustion engine within a rural or
18 residential district, so as to unreasonably disturb or interfere
19 with the peace, comfort and repose of property owners or
20 possessors of real property;

21 (c) The use of a sound amplifier or other device capable of
22 producing or reproducing amplified sound upon public streets for
23 the purpose of commercial advertising or sales or for attracting
24 the attention of the public to any vehicle, structure, or
25 property or the contents therein, except as permitted by law, and
26 except that vendors whose sole method of selling is from a moving
27 vehicle shall be exempt from this subsection.

28 (d) The making of any loud and raucous sound within 1,000
29 feet of any school, hospital, sanitarium, nursing or convalescent
30 facility;

31 (e) The creation by use of a musical instrument, whistle,
32 sound amplifier or other device capable of producing or
33 reproducing sound, of loud and raucous sounds which emanate

1 frequently, repetitively or continuously from any building,
2 structure or property located within a rural or residential
3 district, such as sounds originating from a band session or
4 social gathering.

5 SECTION 503. EXEMPTED SOURCES. No sound source
6 specifically exempted from a maximum permissible sound level by
7 this ordinance shall be a public nuisance noise or public
8 disturbance noise, insofar as the particular source is exempted.

9 NEW SECTION. SECTION 6. The following chapter is hereby
10 added to Title 12 of the King County Code:

11 CHAPTER 6. Exemptions

12 SECTION 601. SOUNDS EXEMPT AT ALL TIMES.

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

15 (1) Sounds originating from aircraft in flight and sounds
16 which originate at airports and are directly related to
17 flight operations;

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

21 (3) Sounds created by fire alarms;

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

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

27 (6) Sounds caused by natural phenomena and unamplified
28 human voices;

29 (7) Sounds originating from forest harvesting and
30 silviculture activity and from commercial agriculture if the
31 receiving property is located in a rural, commercial or
32 industrial district of King County;

33 (8) Sounds created by auxiliary equipment on motor vehicles

1 used for highway maintenance;

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

7 (10) Sounds created by warning devices not operated con-
8 tinuously for more than 30 minutes per incident.

9 (b) The County Council intends to amend this ordinance by
10 enacting specific regulations for the following sounds, each of
11 which shall be exempt from the provisions of this ordinance at all
12 times until a specific amendment applying to that sounds has been
13 adopted:

14 (1) Sounds created by the operation of equipment or facili-
15 ties of surface carriers engaged in commerce by railroad;

16 (2) Sounds created by float planes;

17 (3) Sounds created by construction equipment, including
18 special construction vehicles, and emanating from temporary con-
19 struction sites, if the receiving property is located in a
20 commercial or industrial district of King County; and

21 (4) Sounds created by watercraft;

22 (5) Sounds created by existing natural gas transmission
23 facilities, provided that such exemption shall extend only to
24 May 25, 1977.

25 SECTION 602. SOUNDS EXEMPT DURING DAYTIME HOURS.

26 (a) The following sounds are exempt from the provisions of
27 this ordinance between the hours of 7:00 A.M. and 10:00 P.M. on
28 weekdays and between the hours of 9:00 A.M. and 10:00 P.M. on
29 weekends:

30 (1) Sounds created by bells, chimes, or carillons not
31 operating for more than five minutes in any one hour;

32 (2) Sounds originating from officially sanctioned parades
33 and other public events;

(3) Sounds created by the discharge of firearms on legally
established shooting ranges;

1 (4) Sounds created by blasting;

2 (5) Sounds originating from forest harvesting and
3 silviculture activity and from commercial agriculture if the
4 receiving property is located in a residential district of King
5 County. The Administrator is authorized to promulgate
6 regulations which extend the hours during which this exemption
7 is in effect to conform with operating hours designated by the
8 Washington State Department of Natural Resources in directing
9 an official fire closure.

10 (b) The County Council intends to amend this ordinance by
11 enacting specific regulations for the following sounds, each of
12 which shall be exempt from the provisions of this ordinance between
13 the hours of 7:00 A.M. and 10:00 P.M. on weekdays and between the
14 hours of 9:00 A.M. and 10:00 P.M. on weekends, until a specific
15 amendment applying to that sound has been adopted:

16 (1) Sounds created by aircraft testing and maintenance
17 provided that such exemption shall begin at 6:00 A.M. daily;

18 (2) Sounds created by construction equipment, including
19 special construction vehicles, and emanating from temporary
20 construction sites, if the receiving property is located in a
21 rural or residential district of King County;

22 (3) Sounds created by the installation or repair of
23 essential utility services;

24 (4) Sounds created by maintenance operations on public
25 facilities;

26 (5) Sounds created by motor vehicles racing events at
27 existing, authorized facilities, provided that such sounds shall
28 be exempt until 11:00 P.M. on Fridays and Saturdays;

29 (6) Sounds created by powered equipment used in temporary
30 or periodic maintenance or repair of residential property,
31 including grounds and appurtenances, such as lawn mowers, powered
32 hand tools, snow removal equipment, and composters.

33 SECTION 603. SOUNDS EXEMPT FROM NIGHTTIME REDUCTION. The

1 following sounds are exempt from the provisions of Section 303(a)
2 of this ordinance:

3 (a) Sounds created by existing stationary equipment used in
4 the conveyance of Water by a utility;

5 (b) Sounds created by electrical substations;

6 (c) Sounds created in industrial districts which, over the
7 previous three years, have consistently operated in excess of
8 fifteen hours per day as a demonstrated routine or as a
9 consequence of process necessity; provided that such exemption
10 shall only extend to five years after the effective date of this
11 ordinance. Changes in working hours or activity which would
12 increase the sound emitted under this exemption require the
13 approval of the Administrator, given under rules adopted in
14 accordance with the Administrative Code.

15 NEW SECTION. SECTION 7. The following chapter is hereby
16 added to Title 12 of the King County Code:

17 CHAPTER 7. Variances

18 SECTION 701. VARIANCE PROCEDURE.

19 (a) Any person who owns or is in possession of any property
20 or use, or any process or equipment, may apply to the
21 Administrator for relief from the requirements of this ordinance
22 or rules or regulations promulgated hereunder governing the
23 quality, nature, duration or extent of discharge of noise. In a
24 proper case, the variance may apply to all sources of a particular
25 class or type. The application shall be accompanied by such
26 information and data as the Administrator may require. In accord-
27 ance with the Administrative Code, the Administrator shall
28 promulgate rules and regulations governing the application for
29 and granting of such variances, including hearings and notice.

30 (b) A variance or its renewal shall not be a right of the
31 applicant or holder thereof, but shall be at the reasonable
32 discretion of the Administrator.

33 (c) No variance shall be granted pursuant to this section

1 until the Administrator has considered the relative interests of
 2 the applicant, other owners or possessors of property likely to
 3 be affected by the noise, and the general public. A technical or
 4 economic variance may be granted only after a public hearing on
 5 due notice. The Administrator may grant a variance, if he finds
 6 that:

7 (1) The noise occurring or proposed to occur does not
 8 enganger public health or safety; and

9 (2) The applicant demonstrates that the criteria required
 10 for temporary, technical or economic variance under Section 702
 11 of this ordinance are met.

12 (d) Variances, except temporary variances, granted pursuant
 13 to this ordinance may be renewed on terms and conditions and for
 14 periods which would be appropriate on the initial granting of a
 15 variance. No renewal shall be granted except on application made
 16 at least 60 days prior to the expiration of the variance.

17 (e) Any person aggrieved by the denial, grant, or the terms
 18 and conditions on the grant of an application for a variance or
 19 renewal of a variance by the Administrator may appeal such
 20 decision under procedures incorporated by Chapter 9 of this
 21 Ordinance.

22 (f) Any person or source granted a variance pursuant to the
 23 procedures of this section or an appeal shall be exempt from the
 24 maximum permissible sound levels established by this ordinance to
 25 the extent provided in the variance.

26 SECTION 702. TYPES OF VARIANCES.

27 (a) Temporary Variance. The Administrator may grant a
 28 temporary variance, not to exceed 14 days, for any activity, use,
 29 process or equipment which the Administrator determines, in
 30 accordance with rules and regulations, does not annoy a
 31 substantial number of the people and does not endanger public
 32 health or safety.

33 (b) Technical Variance. A technical variance may be

1 granted by the Administrator on the grounds that there is no
 2 practical means known or available for the adequate prevention,
 3 abatement or control of the noise involved. Any technical variance
 4 shall be subject to the holder's taking of any alternative
 5 measures that the Administrator may prescribe. The duration of
 6 each technical variance shall be until such practical means for
 7 prevention, abatement or control become known or available. The
 8 holder of a technical variance, as required by the Administrator,
 9 shall make reports to the Administrator detailing actions taken
 10 to develop a means of noise control or to reduce the noise involved
 11 and must relate these actions to pertinent current technology.

12 (c) Economic Variance. An economic variance may be granted
 13 by the Administrator on the ground that compliance with the
 14 particular requirement or requirements from which the variance is
 15 sought will require the taking of measures which, because of
 16 their extent or cost, must be spread over a period of time. The
 17 duration of an economic variance shall be for a period not to
 18 exceed such reasonable time as is required in the view of the
 19 Administrator for the taking of the necessary measures. An
 20 economic variance shall contain a timetable for the taking of
 21 action in an expeditious manner and shall be conditioned on
 22 adherence to the timetable.

23 NEW SECTION. SECTION 8. The following chapter is hereby
 24 added to Title 12 of the King County Code:

25 CHAPTER 8. Administration and Noise Measurement

26 SECTION 801. AUTHORITY OF ADMINISTRATOR. The Administrator
 27 is authorized and directed to administer and enforce the
 28 provisions of this ordinance; provided that the Director of the
 29 Department of Public Safety is directed to enforce Chapter 4 and
 30 Section 502 of this ordinance. Upon request by the Administrator
 31 or the Director of the Department of Public Safety, all other
 32 county departments and divisions are authorized to assist them
 33 in enforcing this ordinance.

SECTION 802. DUTIES OF ADMINISTRATOR. The duties of the

1 Administrator shall include, but are not limited to:

2 (a) Obtaining assistance from other appropriate county
3 departments and divisions.

4 (b) Training field inspectors;

5 (c) Purchasing measuring instruments and training
6 inspectors in their calibration and use;

7 (d) Promulgating and publishing rules and procedures, in
8 accordance with the Administrative Code, to establish techniques
9 for measuring or reducing noise and to provide for clarification,
10 interpretation, and implementation of this ordinance;

11 (e) Investigating citizens' noise complaints;

12 (f) Issuing orders for the reduction or elimination of
13 noise in accordance with Chapter 9 of this ordinance;

14 (g) Assisting citizens and other county departments in
15 evaluating and reducing the noise impact of their activities;

16 (h) Assisting county planning officials in evaluating the
17 noise component in planning and zoning actions;

18 (i) Instituting a public education program on noise; and

19 (j) Reviewing at least every three years the provisions of
20 this ordinance and recommending revisions consistent with
21 technology to reduce noise.

22 SECTION 803. MEASUREMENT OF SOUND. If the measurements of
23 sound are made with a sound level meter, it shall be an
24 instrument in good operating condition and shall meet the
25 requirements for a Type I or Type II instrument, as described in
26 American National Standards Institute Specifications, Section
27 1.4-1971. If the measurements are made with other instruments, or
28 assemblages of instruments, the procedure must be carried out in
29 such manner that the overall accuracy shall be at least that called
30 for in Section 1.4-1971 for Type II instruments.

31 SECTION 804. TECHNICAL CORRECTIONS. When the location,
32 distance or technique prescribed in this ordinance for
33 measurement of sound is impractical or would yield misleading or

1 inaccurate results, measurements shall be taken at other
2 locations or distances using appropriate correction factors,
3 as specified in the rules promulgated by the Administrator.

4 SECTION 805. RECEIVING PROPERTIES WITHIN MORE THAN ONE
5 DISTRICT. Where a receiving property lies within more than one
6 district, the maximum permissible sound level shall be determined
7 by the district within which the measurement is made.

8 NEW SECTION. SECTION 9. The following chapter is hereby
9 added to Title 12 of the King County Code:

10 CHAPTER 9. Enforcement and Appeals

11 SECTION 901. Enforcement. Subject to the following
12 qualification concerning first offenses, the Administrator is
13 hereby authorized to enforce the provisions of this ordinance and
14 any rules and regulations promulgated thereunder pursuant to the
15 notice and order, right of entry, misdemeanor, civil penalty,
16 abatement and other provisions of Ordinance No. 2909. Whenever
17 the Administrator has reason to believe that a violation of the
18 environmental sound levels contained in Chapter 3 of this
19 ordinance has occurred, and that such violation is the offender's
20 first offense under this ordinance in the past three-year period,
21 the Administrator shall initiate an administrative notice and
22 order proceeding pursuant to Ordinance No. 2909. For multiple
23 violations within a three-year period, and for all other unlawful
24 acts under this ordinance, including failure to comply with the
25 terms of a final order, the Administrator shall have the option
26 of initiating either a direct enforcement action and/or an
27 administrative notice and order proceeding, as provided for by
28 Ordinance No. 2909.

29 SECTION 902. APPEALS. Any person aggrieved by a final
30 order of the Administrator, including a final variance decision,
31 may appeal to the King County Hearing Examiner under the appeal
32 procedures provided by King County Ordinance No. 2909.

33 NEW SECTION. SECTION 10. The following chapter is hereby
added to Title 12 of the King County Code:

CHAPTER 10. Miscellaneous

SECTION 1001. ORDINANCE ADDITIONAL TO OTHER LAW: The

provisions of this ordinance shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy, nor shall proof of a violation of this ordinance constitute prima facie proof of any private cause of action. Unless specifically provided, this ordinance shall not be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.

SECTION 1002. SEVERABILITY. Should any section, subsection,

paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

INTRODUCED AND READ for the first time this 8th day of

September, 1975.

PASSED this 4th day of April, 1977.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Mike Lowery
Chairman

ATTEST:

Dorothy M. Brown
Clerk of the Council

APPROVED THIS 14th day of April, 1977.

Phil Hollman
King County Executive