



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 5, 2001

Ordinance 14114

Proposed No. 1999-0533.3

Sponsors Gossett, McKenna, Phillips, Fimia,
Nickels and Hague

1 AN ORDINANCE relating to noise control enacting
2 standards for construction and equipment operation;
3 amending Ordinance 3139, Section 2 (part), and K.C.C.
4 12.87.010, Ordinance 3139, Section 228, and K.C.C.
5 12.87.300, Ordinance 3139, Section 229, and K.C.C.
6 12.87.310, Ordinance 3139, Section 303, and K.C.C.
7 12.88.030, Ordinance 3139, Section 501, as amended, and
8 K.C.C. 12.92.010, Ordinance 3139, Section 502, as
9 amended, and K.C.C. 12.92.020, Ordinance 3139, Section
10 601, as amended, and K.C.C. 12.94.010, Ordinance 3139,
11 Section 602, as amended, and K.C.C. 12.94.020, Ordinance
12 3139, Section 702, and K.C.C. 12.96.020, Ordinance 3139,
13 Section 801, as amended, and K.C.C. 12.98.010, Ordinance
14 3139, Section 901, and K.C.C. 12.99.010, Ordinance 3139,
15 Section 902, and K.C.C. 12.99.020 and Ordinance 3139,
16 Section 1002, and K.C.C. 12.100.020, adding new sections
17 to K.C.C. chapter 12.87, adding a new section to K.C.C.

18 chapter 12.88, adding a new section to K.C.C. chapter
19 12.99, repealing Ordinance 3139, Section 603, and K.C.C.
20 12.94.030 and prescribing penalties.

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23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 SECTION 1. Ordinance 3139, Section 2 (part), and K.C.C. 12.87.010 are
25 each hereby amended to read as follows:

26 **Definitions generally.** All technical terminology used in K.C.C.
27 ~~((€))~~ chapters 12.86 through 12.100, not defined in this chapter, shall be
28 interpreted in conformance with American National Standards Institute
29 Specifications, Section 1.1-~~((1960))~~ 1994 and Section 1.4-~~((1971))~~ 1983. Words
30 used in the masculine gender include the feminine and words used in the feminine
31 gender include the masculine. For the purposes of K.C.C. ~~((€))~~ chapters 12.86
32 through 12.100, the words and phrases (~~used herein shall~~) have the meanings set
33 forth in this chapter.

34 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter
35 12.87 a new section to read as follows:

36 **Leq.** "Leq" means the constant sound level that, in a given situation and
37 time period conveys the same sound energy as the actual time-varying sound.
38 The applicable time period must be specified.

39 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter
40 12.87 a new section to read as follows:

41 **Loud and raucous.** “Loud and raucous” means any sound or
42 combination of sounds that is above the background sound level and is
43 indiscriminate, disagreeably harsh, clamorous, blaring or discordant.

44 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter
45 12.87 a new section to read as follows:

46 **Sheriff.** "Sheriff" means the sheriff of King County or his authorized
47 representative.

48 SECTION 5. Ordinance 3139, Section 228, and K.C.C 12.87.300 are each
49 hereby amended to read as follows:

50 **Sound level.** "Sound level" means the weighted sound pressure level
51 measured by the use of a metering characteristic and weighted as specified in
52 American National Standards Institute Specifications, Section 1.4 (~~(-1971)~~). The
53 sound pressure level of a sound expressed in decibels is twenty times the
54 logarithm to the base ten of the ratio of the pressure of the sound to the reference
55 sound pressure of twenty micropascals. In the absence of any specific modifier,
56 the level is understood to be that of a root-mean-square pressure.

57 SECTION 6. Ordinance 3139, Section 229, and K.C.C. 12.87.310 are
58 each hereby amended to read as follows:

59 **Sound level meter.** "Sound level meter" means a sound level measuring
60 device, either Type I(~~(-)~~) or Type II, as defined by American National Standards
61 Institute Specifications, Section 1.4 (~~(-1971)~~).

62 SECTION 7. Ordinance 3139, Section 303, and K.C.C. 12.88.030 are
63 each hereby amended to read as follows:

64 **Modifications to maximum permissible sound levels.** The maximum
65 permissible sound levels established by this chapter shall be reduced or increased
66 by the sum of the following:

67 A. Between ~~((the hours of))~~ ten p.m. and seven a.m. during weekdays,
68 and between ~~((the hours of))~~ ten p.m. and nine a.m. on weekends, the levels
69 established by ~~((Section))~~ K.C.C. 12.88.020 are reduced by 10 dB(A) where the
70 receiving property lies within a rural or residential district of King County.

71 The following sounds are exempt from this subsection:

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

74 2. Sounds created by electrical substations.

75 B. For any source of sound ~~((which))~~ that is periodic, ~~((which))~~ that has a
76 pure tone component~~((:))~~ or ~~((which))~~ that is impulsive and is not measured with
77 an impulse sound level meter, the levels established by this chapter shall be
78 reduced by 5 dB(A).

79 C. For any source of sound ~~((which))~~ that is of short duration, the levels
80 established by this chapter are increased by:

- 81 1. 5 dB(A) for a total of fifteen minutes in any one-hour period; or
82 2. 10 dB(A) for a total of five minutes in any one-hour period; or
83 3. 15 dB(A) for a total of one ~~((point five))~~ and one-half minutes in any
84 one-hour period.

85 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter
86 12.88 a new section to read as follows:

87 **Construction and equipment operation.** A. For the equipment and
88 activities described in this subsection, the maximum permissible sound levels
89 specified in K.C.C. 12.88.020A and 12.88.030 may be exceeded as measured at
90 the real property of another person or fifty feet from the equipment, whichever is
91 greater, between seven a.m. and ten p.m. on weekdays and between nine a.m. and
92 ten p.m. on weekends, by no more than:

93 1. Twenty-five dB(A) for equipment used on construction sites, including
94 crawlers, tractors, bulldozers, rotary drills and augers, loaders, power shovels,
95 cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors,
96 compressors and pneumatic-powered equipment;

97 2. Twenty dB(A) for portable powered equipment used in temporary
98 locations in support of construction activities or used in the maintenance of public
99 facilities, including chainsaws, log chippers, lawn and garden maintenance
100 equipment and powered hand tools; or

101 3. Fifteen dB(A) for powered equipment used in temporary or periodic
102 maintenance or repair of the grounds or appurtenances of any property, including
103 lawnmowers, powered hand tools, snow-removal equipment and composters.

104 B. 1. Sounds created by impact types of construction equipment, including
105 pavement breakers, pile drivers, jackhammers, sandblasting tools or other types of
106 equipment or devices that create impulse noise or impact noise or are used as
107 impact equipment, as measured at the property line or fifty feet from the
108 equipment, whichever is greater, may exceed the maximum permissible sound
109 levels established in subsection A of this section in any one period between eight

110 a.m. and five p.m. on weekdays and between nine a.m. and ten p.m. on weekends,
111 but not to exceed the following:

- 112 a. Leq ninety dB(A) continuously;
 - 113 b. Leq ninety-three dB(A) for thirty minutes;
 - 114 c. Leq ninety-six dB(A) for fifteen minutes; or
 - 115 d. Leq ninety-nine dB(A) for seven and one-half minutes, but
- 116 sound levels in excess of Leq ninety-nine dB(A) are prohibited unless authorized
117 by variance obtained from the administrator. Also, sources producing sound
118 levels less than ninety dB(A) shall comply with subsection A of this section
119 during those hours not covered by this subsection B.

120 2. For purposes of this subsection B, the standard of measurement shall be
121 a one-hour Leq. Leqs may be measured for times of at least one minute to project
122 an hourly Leq. Reference to one hour is for measurement definition purposes
123 only and does not limit construction to a one-hour period.

124 C. Construction activity that exceeds the maximum permissible sound levels
125 established in K.C.C. 12.88.020, when measured from the interior of buildings
126 within a commercial or industrial district, is prohibited between eight a.m. and
127 five p.m. For purposes of this subsection, interior sound levels may be measured
128 only after every reasonable effort, including closing windows and doors, is taken
129 to reduce the impact of the exterior construction noise.

130 SECTION 9. Ordinance 3139, Section 501, as amended, and K.C.C.

131 12.92.010 are each hereby amended to read as follows:

132 **Public nuisance noises.** It is unlawful for any person to cause, or for any

133 person in possession of property to allow to originate from the property, sound
134 that is a public nuisance noise.

135 SECTION 10. Ordinance 3139, Section 502, as amended, and K.C.C.
136 12.92.020 are each hereby amended to read as follows:

137 **Public disturbance noises.** It is unlawful for any person to cause, or for
138 any person in possession of property to allow to originate from the property,
139 sound that is a public disturbance noise. The following sounds are determined to
140 be public disturbance noises:

141 A. The frequent, repetitive or continuous sounding of any horn or siren
142 attached to a motor vehicle, except as a warning of danger or as specifically
143 permitted or required by law;

144 B. The creation of frequent, repetitive or continuous sounds in connection
145 with the starting, operation, repair, rebuilding or testing of any motor vehicle,
146 motorcycle, off-highway vehicle or internal-combustion engine so as to
147 unreasonably disturb or interfere with the peace, comfort and repose of property
148 owners or possessors of real property;

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

155 D. The creation by use of a musical instrument, whistle, sound amplifier,

156 or other device, capable of producing or reproducing sound, of loud and raucous
157 sounds (~~(which)~~) that emanate frequently, repetitively or continuously from any
158 building, structure or property located within a rural or residential district, such as
159 sounds originating from a band session or social gathering~~((-))~~;

160 E. Loud, raucous, frequent, repetitive or continuous sound created by: the
161 use of any device capable of producing an impulsive sound such as when being
162 struck by an object; by a whistle; by a sound amplifier; or by any audio equipment
163 such as a radio, tape player, disc player or any other audio device capable of
164 producing, reproducing or amplifying sound that can be clearly heard or felt at
165 seventy five feet or more from the source of sound whether stationary, portable or
166 in a motor vehicle when the sound is received in a residential or rural district ~~((-))~~;
167 and

168 F. Any sound out of doors that interferes with normal conversation at a
169 distance of seventy five feet or more from the source of the sound when the sound
170 is received in a residential or rural district.

171 SECTION 11. Ordinance 3139, Section 601, as amended, and K.C.C.
172 12.94.010 are each hereby amended to read as follows:

173 **Sounds exempt at all times.** ~~((A-))~~ The following sounds are exempt
174 from ~~((the provisions of))~~ K.C.C. ~~((C))~~ chapters 12.86 through 12.100 ~~((at all~~
175 ~~times))~~:

176 ~~((1-))~~ A. Sounds originating from aircraft in flight and sounds ~~((which))~~
177 that originate at airports and are directly related to flight operations;

178 ~~((2-))~~ B. Sounds created by safety and protective devices, such as relief

179 valves, ~~((where))~~ if noise suppression would defeat the safety release intent of the
180 device;

181 ~~((3-))~~ C. Sounds created by fire alarms;

182 ~~((4-))~~ D. Sounds created by emergency equipment and emergency work
183 necessary in the interests of law enforcement or of the health, safety or welfare of
184 the community;

185 ~~((5-))~~ E. Sounds created by the discharge of firearms in the course of
186 lawful hunting activities;

187 ~~((6- Sounds caused by natural phenomena and unamplified human
188 voices;))~~

189 ~~((6-))~~ F. Sounds caused by natural phenomena and unamplified human
190 voices;

191 ~~((7-))~~ G. Sounds originating from forest harvesting and silviculture
192 activity and from commercial agriculture if the receiving property is located in a
193 rural, commercial or industrial district of King County;

194 ~~((8-))~~ H. Sounds created by auxiliary equipment on motor vehicles used
195 for highway maintenance;

196 ~~((9-))~~ I. Sounds created by off-highway vehicles while being used in
197 officially designated all-terrain vehicle parks, except when ~~((such))~~ the sound is
198 received off the park site in a rural or residential district of King County and
199 ~~((such))~~ the sound measurably increases the ambient level; and

200 ~~((10-))~~ J. Sounds created by warning devices not operated continuously
201 for more than thirty minutes per incident.

202 K. Sounds created by the legal discharge of fireworks as defined in
203 K.C.C. 6.26.060 and K.C.C. 6.26.080.

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

206 ~~((B. The county council intends to amend the ordinance codified in~~
207 ~~Chapters 12.86 through 12.100 by enacting specific regulations for the following~~
208 ~~sounds, each of which shall be exempt from the provisions of this chapter at all~~
209 ~~times until a specific amendment applying to such sounds has been adopted:~~

210 ~~1. Sounds created by the operation of equipment or facilities of surface~~
211 ~~carries engaged in commerce by railroad;~~

212 ~~2. Sounds created by float planes, except as provided in Section~~
213 ~~12.87.265;~~

214 ~~3. Sounds created by construction equipment, including special~~
215 ~~construction vehicles, and emanating from temporary construction sites, if the~~
216 ~~receiving property is located in a commercial or industrial district of King~~
217 ~~County; and~~

218 ~~—— 4. Sounds created by existing natural gas transmission facilities, provided~~
219 ~~that such exemption shall extend only to May 25, 1977.)~~

220 SECTION 12. Ordinance 3139, Section 602, as amended, and K.C.C.
221 12.94.020 are each hereby amended to read as follows:

222 **Sounds exempt during daytime hours.** ~~((A-))~~ The following sounds are
223 exempt from the ~~((provisions of))~~ K.C.C. ~~((C))~~ chapters 12.86 through 12.100
224 between ~~((the hours of))~~ seven a.m. and ten p.m. on weekdays and between ~~((the~~

225 ~~hours of~~) nine a.m. and ten p.m. on weekends, unless other hours are specified:

226 ~~((1-))~~ A. Sounds created by bells, chimes~~((;))~~ or carillons not operating for
227 more than five minutes in any one hour;

228 ~~((2-))~~ B. Sounds originating from officially sanctioned parades and other
229 public events;

230 ~~((3-))~~ C. Sounds created by the discharge of firearms on legally established
231 shooting ranges;

232 ~~((4-))~~ D. Sounds created by blasting;

233 ~~((5-))~~ E. Sounds originating from forest harvesting and silviculture activity
234 and from commercial agriculture if the receiving property is located in a
235 residential district of King County. The administrator is authorized to promulgate
236 regulations which extend the hours during which this exemption is in effect to
237 conform with operating hours designated by the Washington ~~((S))~~state
238 Department of Natural Resources in directing an official fire closure; and

239 ~~((B. The county council intends to amend the ordinance codified in Chapters
240 12.86 through 12.100 by enacting specific regulations for the following sounds,
241 each of which shall be exempt from the provisions of the ordinance codified in
242 Chapters 12.86 through 12.100, until a specific amendment applying to that sound
243 has been adopted:~~

244 ~~1. Sounds created by construction equipment, including special construction
245 vehicles, and emanating from temporary construction sites, if the receiving
246 property is located in a rural or residential district of King County;~~

247 ~~2. Sounds created by the installation or repair of essential utility services;~~

- 248 3. ~~Sounds created by maintenance operations on public facilities;~~
249 4.) F. Sounds created by motor vehicle racing events at existing, authorized
250 facilities between 9 a.m. and eleven p.m. on Fridays and Saturdays.~~((;~~
251 5. ~~Sounds created by powered equipment used in temporary or periodic~~
252 ~~maintenance or repair of residential property, including grounds and~~
253 ~~appurtenances, such as lawnmowers, powered handtools, snow removal~~
254 ~~equipment, and composters)).~~
255 G. Sounds originating from lawful pickets, marches, parades, rallies and
256 other public events in residential districts.

257 SECTION 13. Ordinance 3139, Section 603, and K.C.C. 12.94.030 are
258 each hereby repealed.

259 SECTION 14. Ordinance 3139, Section 702, and K.C.C. 12.96.020 are
260 each hereby amended to read as follows:

261 **Types of variances.** A. ~~T((EMPORARY VARIANCE))~~emporary
262 variance. The administrator may grant a temporary variance, not to exceed
263 fourteen days of operation, for any activity, use, process or equipment ~~((which))~~
264 that the administrator determines, in accordance with rules and regulations, does
265 not annoy a substantial number of the people and does not endanger public health
266 or safety.

267 B. ~~T((ECHNICAL VARIANCE))~~echnical variance. A technical variance
268 may be granted by the administrator on the grounds that there is no practical
269 means known or available for the adequate prevention, abatement or control of
270 the noise involved. Any technical variance shall be subject to the holder's taking

271 of any alternative measures that the administrator may prescribe. The duration of
272 each technical variance shall be until such practical means for prevention,
273 abatement or control become known or available. The holder of a technical
274 variance, as required by the administrator, shall make reports to the administrator
275 detailing actions taken to develop a means of noise control or to reduce the noise
276 involved and must relate these actions to pertinent current technology.

277 C. ~~E((ECONOMIC VARIANCE))~~economic variance. An economic
278 variance may be granted by the administrator on the ground that compliance with
279 the particular requirement or requirements from which the variance is sought will
280 require the taking of measures ~~((which))~~ that, because of their extent or cost, must
281 be spread over a period of time. The duration of an economic variance shall be
282 for a period not to exceed such reasonable time as required in the view of the
283 administrator for the taking of the necessary measures. An economic variance
284 shall contain a timetable for the taking of action in an expeditious manner and
285 shall be conditioned on adherence to the timetable.

286 SECTION 15. Ordinance 3139, Section 801, as amended, and K.C.C.
287 12.98.010 are each hereby amended to read as follows:

288 **Authority of administrator and sheriff.** The administrator ~~((is~~
289 ~~authorized and directed to))~~ and sheriff are authorized to administer and enforce
290 ~~((the provisions of))~~ K.C.C. ((€)) chapters 12.86 through 12.100 of this code;
291 provided, that the sheriff is authorized to enforce K.C.C. ((€)) chapters 12.90 and
292 12.91 and ~~((Sections))~~ K.C.C. 12.87.180, 12.87.290, 12.87.350, 12.92.020 and
293 12.94.010. Upon request by the administrator or the ~~((director of the department~~

294 ~~of public safety))~~ sheriff, all other county departments and divisions (~~are~~
295 ~~authorized to))~~ may assist them in enforcing K.C.C. ((€)) chapters 12.86 through
296 12.100.

297 SECTION 16. Ordinance 3139, Section 901, and K.C.C. 12.99.010 are
298 each hereby amended to read as follows:

299 **Enforcement.** (~~Subject to the following qualification concerning first~~
300 ~~offenses, t))~~ The administrator ((is authorized to)) and the sheriff may enforce
301 ~~((the provisions of))~~ K.C.C. ((€)) chapters 12.86 through 12.100 and any rules and
302 regulations promulgated (~~(thereunder pursuant to the notice and order, right of~~
303 ~~entry, misdemeanor, civil penalty, abatement and other provisions of))~~ under
304 those chapters and in accordance with K.C.C. Title 23. ((Whenever)) If the
305 administrator or sheriff has reason to believe that a violation of (~~the~~
306 ~~environmental sound levels contained in Chapter 12.90 has occurred, and that~~
307 ~~such violation is the offender's first offense under Chapters 12.86 through 12.100~~
308 ~~in the past three year period,))~~ K.C.C. chapters 12.86 through 12.100 has
309 occurred, the administrator or sheriff (~~shall~~) may initiate an administrative
310 notice and order proceeding or other appropriate legal action (~~(pursuant to))~~ in
311 accordance with K.C.C. Title 23. ((For multiple violations within a three year
312 period, and for all other unlawful acts under Chapters 12.86 through 12.100,
313 including failure to comply with the terms of a final order, the administrator shall
314 have the option of initiating either a direct enforcement action and/or an
315 administrative notice and order proceeding, as provided for by Title 23.))

316 SECTION 17. Ordinance 3139, Section 902, and K.C.C. 12.99.020 are

317 each hereby amended to read as follows:

318 **Appeals.** Any person aggrieved by ~~((a final))~~ an order of the
319 administrator or sheriff, including a final variance decision, may appeal to the
320 King County hearing examiner ~~((under the appeal procedures provided by))~~ in
321 accordance with K.C.C. Title 23.

322 NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter
323 12.99 a new section to read as follows:

324 A violation of K.C.C. chapters 12.86 through 12.100 is a class 2 civil infraction
325 punishable under chapter 7.80 RCW.

326 SECTION 19. Ordinance 3139, Section 1002, and K.C.C. 12.100.020 are
327 each hereby amended to read as follows:

328 **Severability.** ~~((Should any section, subsection, paragraph, sentence,~~
329 ~~clause or phrase of Chapters 12.86 through 12.100 or its application to any person~~
330 ~~or situation be declared unconstitutional or invalid for any reason, such decision~~
331 ~~shall not affect the validity of the remaining portions of Chapters 12.86 through~~
332 ~~12.100 or its application to any other person or situation.)) If any provision of
333 K.C.C. chapters 12.86 through 12.100 or its application to any person or
334 circumstance is held invalid, the remainder of K.C.C. chapters 12.86 through
335 12.100 or the application of the provision to other persons or circumstances is not
336~~

336 affected.

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Ordinance 14114 was introduced on 10/4/99 and passed by the Metropolitan King County Council on 5/21/01, by the following vote:

Yes: 12 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Mr. Thomas and Mr. Irons
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Pete von Reichbauer, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Ron Sims, County Executive

Attachments None