



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

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

1. 5 dB(A) for a total of fifteen minutes in any one-hour period; or

2. 10 dB(A) for a total of five minutes in any one-hour period; or

3. 15 dB(A) for a total of one and one-half minutes in any one-hour period)).

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hereby repealed.

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

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

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

((Vehicle Category	35 mph or less	over 35 mph
Motorcycles	80 dB(A)	84 dB(A)
Motor vehicles over 10,000 pounds GVWR	86 dB(A)	90 dB(A)
or GCWR		

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;))~~

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

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

~~((G.))~~ 7. Any sound out of doors that interferes with normal conversation at a distance of ((seventy five)) fifty feet or more from the source of the sound when the 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 ~~((I.))~~ 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 ~~C.))~~ 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 commerical 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

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

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

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

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

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

1. Temporary variance _____ \$200.00;

2. ~~Technical or economic variance, source in rural or~~

residential district _____ \$200.00;

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.~~

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

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

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

- a. be in writing and shall be clearly labeled noise variance request;
- b. identify the person making the request and provide an address to which correspondence regarding the requested noise variance should be mailed;
- c. identify the specific section or sections of the noise regulations for which the variance is being requested;
- d. identify the location and a detailed description of proposed project or 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	<u>violations of K.C.C. chapter 12.86 within the past</u>	previous
922	<u>twelve months</u>	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

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

C. Penalties based on violation of a stop work order shall be assessed, according to the schedule in subsection A₂ of this section, for each day the department determines that work or activity was done in violation of the stop work order.

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

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

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

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

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

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

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

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

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

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

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

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

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

The provisions of this ((C))chapter((s 12.86 through 12.100)) shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy(~~((; nor shall proof of a violation of Chapters 12.86 through 12.100 constitute prima facie proof of any private cause of action))~~). Unless otherwise specifically provided, this ((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

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

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

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

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

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

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

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

Operating conditions and performance standards shall be as specified in K.C.C. 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 ~~((dBL))~~ 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

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

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

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

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

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

SECTION 104. A. By June 30, 2018, the county auditor shall submit a report to 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:

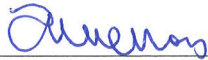
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr.
Upthegrove
No: 0
Excused: 0

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

Attachments: None

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