

2/ ORDINANCE No. 112379

2/ COUNCIL BILL No. 104990

AN ORDINANCE amending Seattle Municipal Code Subsections 25.08.520E & F (parts of Ordinance 106360, § 504 as amended by Ordinance 108552 § 2) to provide for noise monitoring services, and to delete the requirement of a deposit for insuring compliance with the sound limits; and amending SMC Subsection 25.08.540A (Ordinance 106360, § 602A as amended) to restrict an exemption to unamplified sound.

The City of

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: <u>JUL 15 1985</u>	By: <u>GALLE</u>
Referred: <u>JUL 15 1985</u>	To: <u>ENVIRONMENTAL MANAGEMENT</u>
Referred:	To:
Referred:	To:
Reported: <u>JUL 29 1985</u>	Second Reading: <u>JUL 29 1985</u>
Third Reading: <u>JUL 29 1985</u>	Signed: <u>JUL 29 1985</u>
Presented to Mayor: <u>JUL 29 1985</u> <u>JUL 30 1985</u>	Approved: <u>AUG 1 1985</u>
Returned to City Clerk: <u>AUG 1 1985</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D CMBE JUL 29 1985

7-15-85 Held in Full C

V6t

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on _____

was referred the within Council Bill No. _____

we have considered the same and respectfully recommend that the same:

Be held in full Council two weeks

Vote 9-0

Committee Chair

GBD:pdk
7/12/85
XI:ORD2.

ORDINANCE 112379

AN ORDINANCE amending Seattle Municipal Code Subsections 25.08.520E & F (parts of Ordinance 106360, § 504 as amended by Ordinance 108552 § 2) to provide for noise monitoring services, and to delete the requirement of a deposit for insuring compliance with the sound limits; and amending SMC Subsection 25.08.540A (Ordinance 106360, § 602A as amended) to restrict an exemption to unamplified sound.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Subsection 25.08.520E (part of Ordinance 106360, § 504 as amended by Ordinance 108552, § 2) is further amended as follows:

E. ((In the discretion of the Administrator or his designee a cash deposit may be required to insure compliance with this section and which shall be retained by the city as security for payment of any fines imposed for violation of this section. The amount of such deposit may be up to Five Hundred Dollars (\$500.00) if the event will involve unamplified sound and up to One Thousand Dollars (\$1,000.00) if amplified sound will be used. The factors to consider when determining the amount of the deposit include, but are not limited to: past performances, amplification, number and type of musical instruments, location of event and number of participants. In the case of amplified sound, the Administrator will be principally guided by the expected power of the source of amplification.))

In any permit for use of a public park, public market, civic center, or other public place, the Superintendent of Parks and Recreation, the Chairperson of the Board of Public Works or the Director of the Seattle Center or the designee of any of them, respectively, shall stipulate that the Health Department provide sound control monitoring services whenever:

1 (a) Amplified sound will be used at the proposed event;
2 and

3 (b) The Administrator or his designee finds that, unless
4 monitored, the sound level originating at the
5 proposed event may exceed the sound level in SMC
6 25.08.520A. The Administrator shall be guided
7 principally by the expected power and type of ampli-
8 fication and for those with a record of prior usage,
9 by past events held on City property within the last
 two years.

10 The Administrator, in his or her discretion, may perform the
11 service directly, delegate performance to the authority
12 issuing the permit, or retain an acoustician.

13 Section 2. Seattle Municipal Code Subsection 25.08.520F
14 (part of Ordinance 106360, § 504 as amended by Ordinance
15 108552, § 2) is further amended as follows:

16 F. ~~((The Administrator may waive the deposit if the~~
17 ~~likelihood of a violation is remote.))~~

18 This section does not limit or diminish the management
19 authority of the Superintendent of Parks and Recreation, the
20 Chairperson of the Board of Public Works or the Director of
21 the Seattle Center to require a performance bond or cash
22 deposit for the use and occupancy of a public park, a public
23 place or public market, or the Seattle Center, respectively,
24 as security for payment of costs and expenses related thereto,
25 damages or clean-up costs that may arise from a proposed
26 event, and/or taxes and other amounts that may become payable;
27 nor does this section limit or diminish their management
28 authority to grant or deny such permits for causes independent
 of the noise ordinance.

1 Section 3. Seattle Municipal Code Subsection 25.08.540A
2 (Ordinance 106360 § 602A, as amended by Ordinance 111458, § 4)
3 is further amended as follows:

4 SOUNDS EXEMPT DURING DAYTIME HOURS.

5 A. The following sounds are exempt from the provisions
6 of this chapter between the hours of seven a.m. and ten p.m.
7 on weekdays and between the hours of nine a.m. and ten p.m. on
8 weekends:

9 1. Sounds created by bells, chimes, or carillons not
10 operating for more than five minutes in any one hour;

11 2. Unamplified sounds originating from officially sanc-
12 tioned parades or other public events;

13 3. Sounds created by the discharge of firearms on
14 legally established shooting ranges;

15 4. Sounds created by blasting; and

16 5. Sounds originating from forest harvesting and silvi-
17 culture activity and from commercial agriculture if the
18 receiving property is located in a residential district of the
19 City. The Administrator is authorized to promulgate regula-
20 tions which extend the hours during which this exemption shall
21 be in effect to conform with operating hours designated by the
22 Washington State Department of Natural Resources in directing
23 an official fire closure.

24 Section 4. The provisions of this ordinance are declared
25 to be separate and severable. The invalidity of any clause,
26 sentence, paragraph, subdivision, section or portion of this
27 ordinance, or the invalidity of the application thereof to any
28 person or circumstance shall not affect the validity of its
application to other persons or circumstances.

(To be used for all Ordinances except Emergency.)

Section 5. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 29th day of July, 1985, and signed by me in open session in authentication of its passage this 29th day of July, 1985

Theresa Dunbar
President of the City Council.

Approved by me this 12th day of August, 1985

Charles Porter
Mayor.

Filed by me this 12th day of August, 1985.

Gene Hill

Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *Theresa Dunbar*
Deputy Clerk.

City of Seattle

ORDINANCE 112379

AN ORDINANCE amending Seattle Municipal Code Subsections 25.08.520B & F (part of Ordinance 106360, § 504 as amended by Ordinance 108552 § 2) to provide for noise monitoring services, and to delete the requirement of a deposit for insuring compliance with the sound limits, and amending SMC Subsection 25.08.540A (Ordinance 106360, § 602A as amended) to restrict an exemption to unamplified sound.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Subsection 25.08.520B (part of Ordinance 106360, § 504 as amended by Ordinance 108552, § 2) is further amended as follows:

B. ((In the discretion of the Administrator or his designee a cash deposit may be required to insure compliance with this section and which shall be retained by the city as security for payment of any fines imposed for violation of this section. The amount of such deposit may be up to Five Hundred Dollars (\$500.00) if the event will involve unamplified sound and up to One Thousand Dollars (\$1,000.00) if amplified sound will be used. The factors to consider when determining the amount of the deposit include, but are not limited to: past performance, amplification, number and type of musical instruments, location of event and number of participants. In the case of amplified sound, the Administrator will be principally guided by the expected power of the source of amplification.))

In any permit for use of a public park, public market, civic center, or other public place, the Superintendent of Parks and Recreation, the Chairperson of the Board of Public Works or the Director of the Seattle Center or the designee of any of them, respectively, shall stipulate that the Health Department provides sound control monitoring services whenever:

(a) Amplified sound will be used at the proposed event;

and

(b) The Administrator or his designee finds that, unless monitored, the sound level originating at the proposed event may exceed the sound level in SMC 25.08.520A. The Administrator shall be guided principally by the expected power and type of amplification and for those with a record of prior usage,

by past events held on City property within the last two years.

The Administrator, in his or her discretion, may perform the service directly, delegate performance to the authority issuing the permit, or retain an acoustician.

Section 2. Seattle Municipal Code Subsection 25.08.520F (part of Ordinance 106360, § 504 as amended by Ordinance 108552, § 2) is further amended as follows:

F. ((The Administrator may waive the deposit if the likelihood of a violation is remote.))

This section does not limit or diminish the management authority of the Superintendent of Parks and Recreation, the Chairperson of the Board of Public Works or the Director of the Seattle Center to require a performance bond or cash deposit for the use and occupancy of a public park, a public place or public market, or the Seattle Center, respectively, as security for payment of costs and expenses related thereto, damages or clean-up costs that may arise from a proposed event, and/or taxes and other amounts that may become payable; nor does this section limit or diminish their management

authority to issue or deny such permits for causes independent of the noise ordinance.

Section 3. Seattle Municipal Code Subsection 25.08.540A (Ordinance 106360 § 602A, as amended by Ordinance 111458, § 4) is further amended as follows:

SOUNDS EXEMPT DURING DAYTIME HOURS.

A. The following sounds are exempt from the provisions of this chapter between the hours of seven a.m. and ten p.m. on weekdays and between the hours of nine a.m. and ten p.m. on weekends:

1. Sounds created by bells, chimes, or carillons not operating for more than five minutes in any one hour;
2. Unamplified sounds originating from officially sanctioned parades or other public events;
3. Sounds created by the discharge of firearms on legally established shooting ranges;
4. Sounds created by blasting; and
5. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a residential district of the City. The Administrator is authorized to promulgate regulations which extend the hours during which this exemption shall be in effect to conform with operating hours designated by the Washington State Department of Natural Resources in directing an official fire closure.

Section 4. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 29th day of July, 1985, and signed by me in open session in authentication of its passage this 29th day of July, 1985.

NORMAN B. RICE,
President of the City Council.

Approved by me this 1st day of August, 1985.

CHARLES ROYER,
Mayor.

Filed by me this 1st day of August, 1985.

Attest: TIM HILL,
City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 5, 1985.

(C-461)

C-691

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 112379

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was published on August 5, 1985

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Subscribed and sworn to before me on

August 5, 1985

.....
Notary Public for the State of Washington,
residing in Seattle.