

ORDINANCE No. 114656

COUNCIL BILL No. 107396

AN ORDINANCE relating to noise control; adding a new section defining a public disturbance noise emanating from portable or motor vehicle audio equipment providing for a civil fine pursuant to SMC 12A.02 and .04 and amending Section 25.08.500(A) to include animal control officers.

PS 8/8/89
PASS 2-0

COMPTROLLER FILE No. _____

| | |
|-------------------------------------|---------------------------------|
| Introduced: JUN 21 1989 | By: <u>Doland</u> |
| Referred: JUN 21 1989 | To: <u>Public Safety</u> |
| Referred: | To: |
| Referred: | To: |
| Reported: AUG 21 1989 | Second Reading: AUG 21 1989 |
| Third Reading: AUG 21 1989 | Signed: AUG 21 1989 |
| Presented to Mayor: AUG 21 1989 | Approved: AUG 31 1989 <u>OK</u> |
| Returned to City Clerk: AUG 31 1989 | Published: |
| Vetoed by Mayor: | Veto Published: |
| Passed over Veto: | Veto Sustained: |

The City of _____

Honorable President: _____

Your Committee on Public Safety

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

Vote:

Vote 6-2

Street > AGAINST
Smith

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

8-8-89

President:

Committee on

Public Safety

was referred the within Council Bill No.

107396

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

Vote: Pass

2-0

6-d

Street } AGAINST
with

Jane Island

Committee Chair

ORDINANCE 114656

1
2
3 AN ORDINANCE relating to noise control; adding a new section
4 defining a public disturbance noise emanating from portab-
5 le or motor vehicle audio equipment providing for a
6 civil fine pursuant to SMC 12A.02 and .04 and amending
7 Section 25.08.500(A) to include animal control officers.

8 WHEREAS, excessive noise is a form of pollution which has
9 direct and harmful effects upon the health and welfare of
10 persons exposed to such sound, lowers the value of
11 impacted properties and generally adversely affects the
12 livability, peace and comfort of the impacted neighbor-
13 hoods and the City as a whole; and

14 WHEREAS, due primarily to the sound characteristics and manner
15 of use, excessive noise from portable and motor vehicle
16 audio equipment such as tape players, radios and compact
17 disc players is a particularly disruptive form of noise
18 pollution involving said harmful effects and impacts upon
19 persons, property, neighborhoods and, when occurring in or
20 near vehicular traffic, such noise presents a danger to
21 traffic safety; and

22 WHEREAS, excessive noise from said audio equipment occurring
23 within the City's park system has a harmful impact upon
24 the use and enjoyment of park areas by other park users,
25 has the effect of discouraging many from utilizing
26 certain park areas and has caused said noise pollution
27 harmful effects upon adjacent private properties, persons
28 and neighborhoods; and

WHEREAS, noise from said audio equipment which can be clearly
heard seventy five (75) feet or more from the source of
the sound is in excess of the maximum permissible sound
levels allowed to be generated or received in either resi-
dential or commercial areas of the City, involve excessive
noise impacts, creates noise pollution within such areas;
and, when occurring in or near vehicular traffic, presents
a danger to traffic safety; and

WHEREAS, technology has allowed the proliferation of
commercially accessible types of audio equipment, both
portable and installed in motor vehicles, which can be
amplified so as to produce excessive noise which can be
clearly heard seventy five (75) feet or more from the
source of the sound; and

WHEREAS, the Council finds that excessive noise being generated
from such equipment is a public nuisance and constitutes a
public disturbance noise; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code a new
Section 25.08.515, to read as follows:

1 disturbs another, and to refuse or intentionally fail to cease
2 the unreasonable noise when ordered to do so by a police
3 officer or, pursuant to subsection A, when ordered to do so by
4 a police officer or animal control officer. Unreasonable
5 noise shall include the following sounds or combination of
6 sounds:

6 A. Loud and raucous, and frequent, repetitive, or
7 continuous sounds made by any animal, except that such sounds
8 made in animal shelters, commercial kennels, veterinary
9 hospitals, pet shops, or pet kennels licensed under and in
10 compliance with Chapter 10.72 of this Code shall be exempt
11 from this subsection; provided, that notwithstanding any other
12 provision of this chapter, if the owner or other person having
13 custody of the animal cannot, with reasonable inquiry, be
14 located by the investigating officer or if the animal is a
15 repeated violator of this subsection, the animal shall be
16 impounded by the poundmaster, subject to redemption in the
17 manner provided by Chapter 9.08 of this Code:

17 B. Loud and raucous, and frequent, repetitive, or
18 continuous sounds made by any horn or siren attached to a
19 motor vehicle, except such sounds that are made to warn of
20 danger or that are specifically permitted or required by law;

21 C. Loud and raucous, and frequent, repetitive, or
22 continuous sounds made in connection with the starting,
23 operation, repair, rebuilding or testing of any motor vehicle,
24 motorcycle, off-highway vehicle, or internal combustion
25 engine;

26 D. Loud or raucous, and frequent, repetitive, or
27 continuous sounds created by use of a musical instrument, or
28 other device capable of producing sound when struck by an
object, a whistle, or a sound amplifier or other device
capable of producing, amplifying, or reproducing sound;

1 E. Loud and raucous, and frequent, repetitive, or
2 continuous sounds made by the amplified or unamplified human
3 voice between the hours of ten (10:00) p.m. and seven (7:00)
4 a.m. The content of the speech shall not be considered
5 against any person in determining a violation of this
6 subsection; and

7 F. Loud and raucous, and frequent, repetitive, or
8 continuous sounds made by the amplified human voice within the
9 Pike Place Market Historical District, as designated in
10 Chapter 25.24 of the Seattle Municipal Code, between the hours
11 of ten (10:00) a.m. and five (5:00) p.m. The content of the
12 speech shall not be considered against any person in
13 determining a violation of this subsection.

14 Section 3. Section 25.08.660 shall be amended to read as
15 follows:

16 25.08.660 Authority of Administrator and Chief of Police.
17 Unless provided otherwise by this chapter, the Chief of Police
18 shall be responsible for enforcing Sections 25.08.500 and
19 25.08.515, the Chief of Police and the Administrator shall be
20 responsible for enforcing Subchapter IV of this chapter, and
21 the Administrator shall be responsible for enforcing the
22 remaining provisions of this chapter. Upon request by the
23 Administrator or the Chief of Police, all other City depart-
24 ments and divisions are authorized to assist them in enforcing
25 this chapter.

26 Section 4. Section 25.08.800 shall be amended to read as
27 follows:

28 25.08.800. Punishment.

A. Conduct made unlawful by Subchapter IV, Section
25.08.515 and Section 25.08.520 of this chapter shall consti-
tute a violation subject to the provisions of Chapters 12A.02

1 and 12A.04 of this Code (Seattle Criminal Code) and any person
2 convicted of a violation of Subchapter IV or Section 25.08.520
3 shall be punished by a civil fine or forfeiture not to exceed
4 Five Hundred Dollars (\$500.00)((-)) + conduct made unlawful
5 by Section 25.08.515 shall be punished by a civil fine or
6 forfeiture not to exceed Fifty Dollars (\$50.00).

7 B. Conduct made unlawful by Section 25.08.500 of this
8 chapter shall constitute a crime subject to the provisions of
9 Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal
10 Code) and any person convicted thereof shall be punished by a
11 fine not to exceed Five Hundred Dollars (\$500.00), or by
12 imprisonment in the City Jail for a term not to exceed six (6)
13 months, or by both such fine and imprisonment.

14 Section 5. Severability. These regulations are declared
15 to be severable. If any section, subsection, paragraph,
16 clause or other portion is for any reason held to be invalid
17 or unconstitutional by any court of competent jurisdiction,
18 such invalidity or unconstitutionality shall not affect the
19 validity or constitutionality of the remaining portions. If
20 any section, subsection, paragraph, clause or any portion is
21 adjudged invalid or unconstitutional as applied to a particu-
22 lar person, or use, the application of such portion to other
23 persons or use shall not be affected.
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(To be used for all Ordinances except Emergency.)

Section 6..... 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 21st day of August, 1989, and signed by me in open session in authentication of its passage this 21st day of August, 1989.

President of the City Council.

Approved by me this 31st day of August, 1989.

Mayor.

Filed by me this 31st day of August, 1989.

Attest: Norward J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published.....

By Theresa Dunbar
Deputy Clerk.

#2
C.B.107396

PUBLIC SAFETY COMMITTEE REPORT
August 8, 1989

ORDINANCE NO. 107396

An ordinance relating to noise control; adding a new section defining a public disturbance noise emanating from portable or motor vehicle audio equipment and providing for a civil fine pursuant to SMC 12A.02 and .04 and amending Section 25.08.500(A) to include animal control officers.

BACKGROUND

In recent years, commercial producers have successfully marketed portable audio equipment and car stereo equipment which can be amplified to unreasonable levels in public. Ear damage, traffic hazards and public nuisances are some of the consequences of this new equipment. The city's current noise law does not adequately address these new sources of public disturbance noise.

The Director of the Environmental Health Division of the Seattle/King County Health Department has provided the following opinion (attached): "It is our opinion that if a sound can be heard clearly and plainly in an outside environment at 75 feet away, it is of such intensity and volume that it is likely to be bothersome, disruptive and even harmful." This is because the volume of the sound source is between 83 and 85 decibels. The maximum permissible level of sounds produced in residential areas is 55 decibels; in commercial areas, 57 decibels.

Exposure to sound levels at the 85 decibel range has been shown to cause permanent hearing loss in much of the population. The driver of a vehicle listening to 85 or more decibels would be unlikely to hear automobile horns or emergency vehicle horns or sirens; this is a safety hazard. Residents, school children and business workers would be unable to carry on a normal conversation with 85 decibels of noise intruding as a public disturbance.

The proposed legislation would add a new section to the current noise control law saying that loud and raucous noise from portable or motor vehicle audio equipment is a public nuisance. The new ordinance would allow police officers to ticket offenders for \$50 fines for producing sound that can be clearly heard from these sources from at least 75 feet away. (Enforcing the current law requires noise readings with a decibel meter.)

The chair incorporated the \$50 fine after a July 25 public hearing.

COMMITTEE CHAIR RECOMMENDATION: Do pass.

FOR FURTHER INFORMATION:

| | |
|-------------------|----------|
| Chuck Kleeberg | 296-4794 |
| Curt Horner | 296-4794 |
| Mamie Rockafellar | 684-8803 |

mr/noise.CR

Physiological and Other Effects of Noise

Various References:

By Gerald R. Smith, M.D.

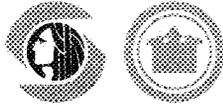
Dr. Smith's Review and Abstracts of Selected Articles on Noise and Noise Abatement accompanying these references appeared in August Vibrations.

1. Cohen, S. et al "Cardiovascular and Behavioral Effects of Community Noise" *American Scientist*, vol. 69: 528-534, Sept.-Oct., 1981.
2. Smith, R. J. "Government Weakens Airport Noise Standards" *Science* 207: 1189-1190, 14 March 1980.
3. Cantrell, R. W. "Prolonged Exposure to Intermittent Noise: Audiometric, Biochemical, Motor, Psychological and Sleep Effects". *Laryngoscope*, supplement #1, vol. 84, No. 10 part 2, Oct. 1974, 55 pages.
4. Kryter, K. D. et al "Effects of Noise on Some Autonomic System Activities" *Journal of Acoustic Soc. of America*, vol. 67 (6th), 2036 - 2044, June, 1980.
5. Federal Register: "Extra-auditory Effects of Noise" *Rules & Regulations*, line 48, no. 11, Friday, January 18, 1981, pp. 4099 - 4102.
6. Andren, L., et al "Noise as a Contributory Factor in the Development of Elevated Arterial Pressure" *Journal Acta Medica, Scandinavia*, vol. 207:493, 1980.
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9. Mills, J. "Noise and Children: A Review of the Literature" *Journal of Acoustic Soc. of America*, vol. 58, p. 787, October, 1975.
10. Boraky, P. "Sociopsychological Factors Affecting the Human Response to Noise Exposure" *Otolaryngologic Clinics of North America*, vol. 12, pp. 521 - 538, August, 1979.
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12. Andren, L. et al "Hemodynamic and Hormonal Changes Induced by Noise" *Acta Medica, Scandinavia*, supplement 1979 (825):13-18.
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16. Moskov, J. et al "Extra-Auditory Effects in Short-Term Exposure to Noise from a Textile Factory Int. Archives Occupational Environmental Health, vol. 40, 174-176 (1977).
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33. Gloag, D. "Noise and Health: Public and Private Responsibility" *British Medical Journal*, vol. 281, pages 1404-1406, 22 November, 1980.
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40. Andren, L., Bjorkman, M. Haemodynamic effects of noise exposure in patients with essential hypertension. *Clinical Science*, vol. 61, 89a-91a, 1981.
41. Rai, R. et al Biochemical Effects of Chronic Exposure in Man Int. Arch. Occup. Environ. Health vol. 45:331-337, 1981.

CORRECTIONS OR UPDATES: Please contact the author c/o Dept. of Radiology, Group Health Cooperative of Puget Sound, 300 - 15th Ave. East, Seattle, WA 98112



-- AP
PRINCE OF WALES is the nickname given Prince William by his father, Prince Charles, who says he is "very noisy." He is pictured here in a quiet moment with his mother, the Princess of Wales.



City of Seattle King County
Charles Royer, Mayor Tim Hill, Executive

Seattle-King County Department of Public Health

Bud Nicola, M.D., M.H.S.A., Director

M E M O R A N D U M

June 20, 1989

TO: The Honorable Jane Noland
 Seattle City Council

THRU: Mike Monroe, City Attorney

FROM: Chuck Kleeberg, Director
 Environmental Health Division *Chuck Kleeberg*

RE: Legislation regarding mobile noise sources
 such as car stereos and hand held radios

New technology has allowed the extreme amplification of noise from portable and car stereos, tape players and compact disc players to adversely impact residential and commercial areas of the City. The harmful impacts associated with excessive noise include both long and short term effects upon the physical and mental health of the listeners. These effects can be particularly harmful to those involuntarily subjected to sporadic loud noise from mobile sources such as cars or pedestrians. While it may be accurate to say that the content of the sound may exacerbate an effect upon the listener, the impacts of concern are those caused by excessive noise which occur at a place and in a manner which are harmful whether the amplified sound is the finest Mozart or loud and raucous. High blood pressure, chronic sleep loss, hearing impairment, irritability, stress and any stress related disease or effect, or a combination of the above, are but a few of the more noticeable effects upon humans caused by such noise. Attached are some of the many articles concerning the impacts of excessive noise on humans.

There are no precise parameters of when noise volume reaches a point where it becomes noticeably bothersome, disruptive or downright harmful. It varies somewhat according to a number of factors. These factors include the character of the sound (whether it's regular and constant or sporadic and varied in pitch), type of sound (whether it's a higher or lower frequency) and type of listener. It is our opinion that if a sound can be heard clearly and plainly in an outside environment at 75 feet away, it is of such intensity and volume that it is likely to be bothersome, disruptive and even harmful. The average male speaking voice at a distance of one yard is approximately 55 to 60 decibels on the A-weighted network (dBA), which means that the average speaking voice is clearly heard at 55 to 60 decibels. If sound can be heard clearly from an outside source 75 feet away, it means that the sound source is at a volume of loudness between 83 and 85 dBA. As a point of reference, the maximum permissible sound

Jane Noland
June 20, 1989
Page 2

level originating and received in residential zones is 55 dBA in the daytime and 45 dBA after 10:00 p.m. Commercial areas are 5 dBA higher. Exposure to sound levels at the 85 dBA range has been shown to cause a permanent hearing loss in much of the population.

One additional consideration of noise at high levels from vehicles is public safety. The driver of a vehicle listening to a sound source at or above 85 dBA would be unlikely to hear warning devices such as horns, train bells and whistles, or police and fire vehicle sirens. This would make the warning devices useless.

In sum, the comfortable zone for two individuals speaking at one yard is 55 to 60 dBA. Sounds above this level will disturb normal conversation and cause hearing discomfort. Levels above 60 dBA will disrupt the comfort and repose of people in parks, neighborhoods and commercial areas (60 dBA is the allowed maximum sound level between two commercial areas).

Speech interference and hearing discomfort (60 dBA or equivalent) will result at 75 feet from a sound source of 84 dBA. Sound levels drop off rapidly at 75 feet and beyond, regardless of the amount of dBA at the source. Thus, any noise within 75 of a sound source, which does not provide for normal conversation (60 dBA or equivalent) is deemed too loud.

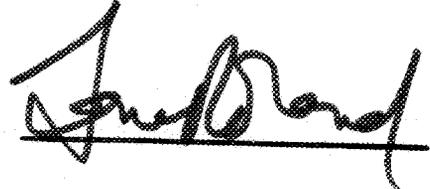
Finally the extra-auditory or non-auditory effects of noise over which the listener has no control are well documented (see attached reference list especially #1, #4, #6 and #31). These effects range from malaise to stress related problems (high blood pressure) to hearing loss.

CK:chm
Att.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

ORDINANCE

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13 hoods and the City as a whole; and

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16 audio equipment such as tape players, radios and compact
17 disc players is a particularly disruptive form of noise
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22 WHEREAS, excessive noise from said audio equipment occurring
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24 the use and enjoyment of park areas by other park users,
25 has the effect of discouraging many from utilizing
26 certain park areas and has caused said noise pollution
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WHEREAS, noise from said audio equipment which can be clearly
heard seventy five (75) feet or more from the source of
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noise impacts, creates noise pollution within such areas;
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commercially accessible types of audio equipment, both
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amplified so as to produce excessive noise which can be
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WHEREAS, the Council finds that excessive noise being generated
from such equipment is a public nuisance and constitutes a
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11 compliance with Chapter 10.72 of this Code shall be exempt
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7 F. Loud and raucous, and frequent, repetitive, or
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(To be used for all Ordinances except Emergency.)

Section 6..... 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.....day of....., 19,
and signed by me in open session in authentication of its passage this.....day of
....., 19

President.....of the City Council.

Approved by me this.....day of....., 19

Mayor.

Filed by me this.....day of....., 19

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

STATE OF WASHINGTON - KING COUNTY

19171
City of Seattle

-SS.

No.

City of Seattle

ORDINANCE 114656

AN ORDINANCE relating to noise control; adding a new section defining a public disturbance noise emanating from portable or motor vehicle audio equipment providing for a civil fine pursuant to SMC 12A.02 and .04 and amending section 25.08.500(A) to include animal control officers.

WHEREAS, excessive noise is a form of pollution which has direct and harmful effects upon the health and welfare of persons exposed to such sound, lowers the value of impacted properties and generally adversely affects the livability, peace and comfort of the impacted neighborhoods and the City as a whole; and

WHEREAS, due primarily to the sound characteristics and manner of use, excessive noise from portable and motor vehicle audio equipment such as tape players, radios and compact disc players is a particularly disruptive form of noise pollution involving said harmful effects and impacts upon persons, property, neighborhoods and, when occurring in or near vehicular traffic, such noise presents a danger to traffic safety; and

WHEREAS, excessive noise from said audio equipment occurring within the City's park system has a harmful impact upon the use and enjoyment of park areas by other park users, has the effect of discouraging many from utilizing certain park areas and has caused said noise pollution harmful effects upon adjacent private properties, persons and neighborhoods; and

WHEREAS, noise from said audio equipment which can be clearly heard seventy five (75) feet or more from the source of the sound is in excess of the maximum permissible sound levels allowed to be generated or received in either residential or commercial areas of the City, involve excessive noise impacts, creates noise pollution within such areas; and, when occurring in or near vehicular traffic, presents a danger to traffic safety; and

WHEREAS, technology has allowed the proliferation of commercially accessible types of audio equipment, both portable and installed in motor vehicles, which can be amplified so as to produce excessive noise which can be clearly heard seventy five (75) feet or more from the source of the sound; and

WHEREAS, the Council finds that excessive noise being generated from such equipment is a public nuisance and constitutes a public disturbance noise; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code a new Section 25.08.515, to read as follows:

25.08.515. Public disturbance noise from portable or motor vehicle audio equipment.

A. While in a park areas, residential or commercial zones, or any area where residences, schools, human service facilities or commercial establishments are in obvious proximity to the source of the sound, it is unlawful for any person to negligently cause, make or allow to be made from audio equipment under such person's control or ownership the following:

1. Sound from a motor vehicle audio system, such as a radio, tape player or compact disc player, which is operated at such a volume that it could be clearly heard by a person of

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months the date of publication hereinafter referred to, published in English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce 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 issue of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The date of notice, a

11/14/65

published on

07/89

The amount of the fee charged for the foregoing publication is \$ _____, which amount has been paid in full.

Beth Morris

Subscribed and sworn to before me on

Sept. 11 1989
Walter K. Hallgren

Notary Public for the State of Washington,
residing in Seattle